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Authored by Mr. David Roy Smith

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All My Own, Mine, Mine, Only Mine

or How I lost my millions

The Annotated Version of Connecticut Divorce Decision Smith v. Smith: the expected legacy of a Connecticut style borderline divorce fifteen years later.

By David Smith

The Title:

This book could have many titles in fact as many has my bad memories of it can generate. It could be called a "Case Study in a Borderline-Narcissistic Divorce with significant Parental Alienation (PAS), or "Beyond Reason" but that was already used in the David Smith Susan Smith Case. It could have been " Medea and Medusa", "Guilty until proven innocent" "How do you to prove a negative" "Connecticut's Bonfire of the Vanities" "Violent Women" "The expected legacy of a borderline divorce 15 years later" "The Real Live Sting" or "What to expect when you are expecting and move to Connecticut" or Connecticut, the Unconstitutional State, The ugliness of lying and believing lies and many other titles. Most people think I am rich and retired but that is not the case so the title could be "How I lost my millions" I choose a title using the narcissistic words of the Defendant. The case is actually about Torture or worst yet persistent torture. The case is an example of a FAKE case - having the same effect as fake news.

Introduction:

The case is being published to expose the corruption of the Connecticut Family Court and all it's players. The damage it did is so severe that 15 years later there remains no solution to the case but full disclosure to the press. In this Decision "the Court" willfully chose to "carve into stone a false conviction and evidence of obstruction of justice". In their effort to defame the Plaintiff they will have defamed themselves it only requires a skillful reading between the lines. Using the Plaintiff's money they wrote a "Mein Kampf" of hate towards fathers all 50 pages. In the case, the plaintiff is accused of having offshore accounts (like the jews had hidden assets) and he had to be incarcerated (sent to a concentration camp) to get at the assets and of course all the parties in the case were willing executioners to do this, making the case relevant to Holocaust studies. The decision is also published as a sample of a "Campaign of Denigration" by a Borderline, so the case can be used as a case study in borderline personality disorder and PAS (Parental Alienation Syndrome) divorce psychology.¹ The characterization of the Plaintiff is so negative it borders on the psychotic in it's extreme contradictions - on the one hand the Plaintiff is supposed to have earnings capacity of \$1M a year (and all the credibility necessary to earn that) and on the other hand he has to "only be alone" with his son² and has offshore accounts. (which of course if he had offshore accounts that would only act to decrease his earnings capacity). It is believed the tone is so negative because it was expected that the Plaintiff would appeal the case because he had previously appealed many of the temporary orders making the Decision a dishonest attempt to coverup their mistakes. The case at the time was said to be the second longest in Connecticut history and it was certainly one of the most destructive. The case locked limit down as a "scorched earth" "taken to the cleaners" case where the Plaintiff retirement funds were completely destroyed and while maximizing the taxes owed by the Plaintiff while he received none of the proceeds. A student of law or psychology can study the case without the commentary where the law student looks for signs of obstruction of justice, constitutional violations and other inconsistencies, while the the student of psychology looks for signs of denigration and projection, extreme swings in thinking, (to detect borderline personality disorder) and exaggerations, grandiose thinking (to detect narcissistic personality disorder) etc. The students of Holocaust Studies will examine how biases can spread for large groups of Judges and players can justify their actions based on the group - How do 20 Judges come to believe over a two year and a half year period or even ten year period and even longer that the Plaintiff has offshore accounts? The students of psychology will be looking for signs of borderline personality disorder as per the DSM V

¹ The financial trial in September of 2001 is an even better sample of a borderline campaign of denigration, where the claims of offshore accounts started etc. The trial before Judge Frankel.

² The father that is ordered to only be alone with this child typically has an income on average of about \$25,000 a year.

list-like signs of a campaign of denigration, wide fluctuations to extremes like he is celibate and also has 100 girlfriends, I hate you don't leave me - efforts intended to lengthen the divorce. The decision can be read and then this annotated version can serve as an answer key.

The case also takes a position on securities law that differs from Federal law where the state finds that mutual fund timing is a source of earnings capacity. This position taken by the Court is rightfully required to be disclosed to the 98 million mutual fund shareholders existing at the time, So any offshore account doing mutual fund timing must be disclosed by the Federal Attorney to the 98 million mutual holders and their class action attorneys involved in the scandal or the Judges in the case are in contempt of Federal Court.

**"To the sinful and vicious,
I may appear to be evil.
But to the good -
beneficent am I
(Mirza Khan, Ansari)**

Connecticut Superior Court, Judicial District of Danbury Regional Family Trial Docket at
Danbury.

SMITH V. SMITH, NO. FA 01-0341470 S (JUL. 15, 2003)

2003 Ct. Sup. 8413-be (Conn. Super. Ct. 2003)

DAVID R. SMITH v. DYANE W. SMITH. No. FA 01-0341470 S

Connecticut Superior Court, Judicial District of Danbury Regional Family Trial Docket at
Danbury.

July 15, 2003

MEMORANDUM OF DECISION

ABERY-WETSTONE, JUDGE.

HISTORY

This matter was tried before the Regional Family Trial Docket, on a referral from the Danbury Judicial District, over a period of seventeen days between April 28 and May 22, 2003. The plaintiff and defendant testified and numerous exhibits were introduced.³ The court has considered all of the credible evidence presented and carefully considered the respective criteria for orders of child support, health insurance, payment of children's medical expenses, alimony, property settlement, division of debt and award of counsel fees. The court makes the following findings of facts and orders:

The parties were married on October 11, 1991, in New York, NY. The court finds that it has jurisdiction over the marriage. One of the parties has lived in the State of Connecticut for more than one year prior to bringing this action. The following minor child has been born to the parties since the date of the marriage:

Taylor Leland Smith: date of birth, March 28, 1992.

No other minor children have been born to the wife since the date of the marriage. The parties are not receiving state assistance. The court finds that the marriage between the parties has broken down irretrievably⁴ and that there is no reasonable prospect of reconciliation.⁵

Visitation between the father and son was modified over the course of the divorce by court order. Prior to the entry of the initial pendente lite orders, Mr. Smith claimed his wife used visitation as a ploy to reconcile with him.⁶ On April 25, 2001, the court-ordered psychological evaluations of the parents and child, ordered counseling for the child, and appointed Dr. Robert Colen, Ph.D., to complete the evaluations. Pendente lite custody and visitation

³ Before the trial even started Judge Whetstone said "there is only one other case I know like this one and this one is not like that one" - indicating a bias was already present against the husband before the case started - thus the 17 days of trial was a waste of the husband's money.

⁴ This is an understatement. The marriage already showed signs of being incompatible from the beginning and from 1995. The wife already in 1995 was interfering with the husband ability to work in 1995 when she faxed a document to his office with his list of her shortcomings which he had listed prior to marrying her. The list is indicative of borderline personality disorder. The fact that she implied is was my shortcomings is an example of projection.

⁵ The husband had already tried to get divorce in 1999, but the wife's behavior was so crazy it was frightening. The cost of divorcing seemed so high I was afraid it would cost too much.

⁶ During automatic orders the wife never allowed visitation at all and violated the orders 100%.

orders entered on April 30, 2001 by CT Page 8413-bf stipulation of the parties. Visitation was scheduled every Saturday from 9:00 a.m. to 5:00 p.m. and one weeknight every week.

The court modified the visitation orders on August 1, 2001, increasing the husband's parenting time to alternating weekends from Thursday afternoons to Sunday evenings, as well as Mondays and Thursdays for dinner. These visits took place in the husband's basement apartment in Ridgefield and his sublet in New York City. Beginning in March 2002, the weekend visits were extended to Monday morning.⁷

In August 2001, the wife filed a Motion for Contempt alleging that the husband had failed to maintain the household bills and that the electricity service had

been turned off. On September 25, 2001, after a hearing, the court modified the financial orders, ordering the husband to pay \$2,500 per week as unallocated alimony and support.⁸

The parties filed various motions for contempt against each other in October of 2001. On November 26, 2002, Dr. Colen was ordered to update his psychological evaluations. On January 17, 2002, the case was referred to Family Relations for a custody evaluation. On February 11, 2002, the court ordered that a mental health professional be appointed as the guardian ad litem (GAL); the parties subsequently agreed that Donald Cohen, Ph.D. would serve as the GAL. On May 5, 2002, pursuant to a stipulation, the court found that the husband owed \$7,000 for unallocated support as of May 3, 2002. Ms. Smith deferred \$1000 of the child support arrearage and agreed that it would be considered part of her retainer for the GAL. The court established a standing order for Mr. Smith to appear in court on Mondays if he failed to make his \$2500 support payment the previous Friday.⁹

On May 28, 2002, Mr. Smith was found in contempt of court and a writ of habeas corpus was issued unless Mr. Smith appeared in court May 29, 2002. On May 29, 2002, the court ordered Mr. Smith to make a wire transfer of \$2,500 by 5:00 p.m.

On July 17, 2002, the court modified the visitation arrangements, ordering visitation on alternate Fridays from 6:00 p.m. through Sunday at 9:00 p.m., alternate Mondays from 6:00 p.m. to 9:00 p.m., and every Thursday from 6:00 p.m. to 9:00 p.m. **The father was prohibited from having any third parties present at the visitation** and overnight visitation was permitted in New York City only. The Monday and Thursday visits were to occur in the basement of the family home.

On July 22, 2002, the court issued a writ of habeas corpus for the husband's arrest for failure to pay court-ordered support. On August 12, 2002, the court CT Page 8413-bg ordered a wage execution on the husband's salary.¹⁰ Mr.

⁸ A psyche eval report that the wife was borderline had been produced in August a month prior to the Financial trial of September.

⁹ The husband was trying to save his job while this was all going on. Already all his vacation time was used up and he had to ask for additional time off unpaid. To go to court in Connecticut was too far away to go to work in New York. It would require taking off the whole day. The husband only makes \$1,500 a week and the court had ordered \$2,500 a week.

¹⁰ When the court ordered a wage execution the bank didn't know what to do because the order was for more than the husband made. Banks do not allow employees to work two jobs. The bank had to send the wage execution order to outside counsel to figure out what to do. Under Federal law the outside counsel said they should only do 60%. See exhibit.

⁷ The husband's visitation was greatly increased because the wife's psyche eval report was so negative.

Smith was arrested in October 2002 and his girlfriend, Ms. Cathy Prior, posted his bond of \$2,500. On October 7, 2002, Mr. Smith appeared in court, was found in willful contempt of the financial orders and ordered incarcerated until he paid \$17,725.27 past due support and counsel fees. On October 21, 2002, Mr. Smith was released and ordered to return to court on November 18, 2002.¹¹

Mr. Smith's last payment of support was the result of a Motion for Contempt; the payment was made by a withdrawal from his 401K in January 2003.¹²

FACTS

Mr. Smith is 45 years old and in good health¹³. He graduated from the University of Cincinnati in 1979 with a degree in Music. He plays piano¹⁴, organ and harpsichord. He received his MBA in Finance from NYU's Stern School of Business¹⁵ in 1990. Mr. Smith worked on his parent's farm in Ohio from 1979-80. In 1981, he became employed by REFCO, a New York City commodities-trading firm. He was employed in Minneapolis, MN from 1987 to 1989 and returned to New York City to obtain his MBA. The couple moved to the marital home in Redding Connecticut in 1993.

This is the second marriage for both parties. Dyane Smith was married to Richard Ancas¹⁶ from 1981-88; no children were born of the marriage. Mr. Smith was married to Maria Danzilo from 1985 to 1991; no children were produced from that marriage.

¹¹ It was a shock when a whole year earlier the court under Frankel had found the husband financial affidavit "not credible". On the financial Affidavit the husband had put his job at the highest rated bank in the world "Bayerische Landesbank", in other words the most credible financial affidavit ever presented to the court. The court instead after listening to the borderline wife had found the husband to have offshore accounts and his testimony that he had no additional income from mutual fund timing "not credible". This decision came in September of 2001 and arrived like a 901 event as if the Judge was disturbed by the events at the world trade center. Subsequently over a year the court refused to listen to anything, after a complaint was filed with the Judicial Review Committee, a motion to stay, a motion to reargue, a motion for articulation, two appeals, a motion to modify. Apparently the court responds to appeal via incarceration. The Marshall at the arrest said "you pissed off a Judge". So the court wanted to find out if the husband had offshore account via incarceration. The only result was the court caused the husband to lose his job.

¹² The husband's 401k plan did not allow any withdrawal of funds while employed at the bank. These funds were obtained by a loan from the fund.

¹³ The long drawn out case was in fact exposing the Plaintiff to extremely high stress and fear of and incarceration had caused considerable PTS Post Traumatic Stress. The case could not be settled because the financial order was more than the Plaintiff made.

¹⁴ Sometimes there are little nuggets of truth in the case. The Plaintiff was a pianist. He was working on the side initially with the express purpose of being able to buy a piano. Two and a half years into the case from beginning 2001 to the last trial, the plaintiff asks the Judge for his personal belongings like his pianos, clothes, books, skis etc. The Judge Whetstone disregarded his request referring to the Plaintiff's behavior. Note that the Plaintiff's behavior had been to appeal to try and save his job and was trying to free his son from the grip of parental alienation syndrome. The Defendant had said "you will never see your pianos until you die"

¹⁵ The defendant had graduated from the same school with the same degree so you can argue she has the same earning capacity as the plaintiff.

¹⁶ the defendant had a long draw out divorce from her first husband where she alleged he had "hidden assets" and prolonged their divorce.

At the time of the trial, Mr. Smith was unemployed, having been terminated from his job with Bayerische Landesbank Girozent (Bavarian State Bank) on October 31, 2002.¹⁷ Mr. Smith testified that his employment was terminated as a result of both his incarceration for failure to pay child support and for missed work for the numerous court appearances required prior to his incarceration. Mr. Smith received severance pay equal to his salary until the end of January 2003. At the time of trial, Mr. Smith had paid no support since January

¹⁷ The court had ordered the plaintiff to pay 175% of what he made at the bank which was not sustainable. The court had effectively ordered the plaintiff fired from his job via incarceration. The child was receiving his health insurance from the bank health insurance plan and the court destroyed the child's health insurance. The plaintiff was incarcerated in a misguided attempt to see if the plaintiff had offshore accounts. The incarcerating Judge said he thought the plaintiff had offshore accounts as suggested by Judge Frankel.

\$5,000.00 from TradeSmith in 2002, despite reporting significantly higher sums in previous years.

2003. He admitted that he had collected \$405.00 per week unemployment compensation. He also admitted to taking a European vacation (Germany, Austria and Czechoslovakia) with Ms. Prior in February 2003. Mr. Smith admitted that Ms. Prior was paying his living expenses. Additionally Mr. Smith testified that he made contributions to Ms. Prior's expenses.

Mr. Smith testified that his salary at Bayerische Landesbank Girozentrale¹⁸ was \$134,000 per year. He complained that the pendentive lite unallocated support order of \$2,500 per week exceeded his income.¹⁹ These claims were CT Page 8413-bh litigated twice during the pendentive lite period and each time the court up- held the \$2,500 weekly payments. Additionally, Mr. Smith's 2002 Form W-2 indicated his income was \$154,979.66 (Plaintiff's Ex. 60).

Mr. Smith estimated that his daily commute to New York City from the family home in Redding, CT took approximately one hour and forty minutes one-way.²⁰

In addition to his employment with Bayerische Landesbank Girozentrale, Mr. Smith admitted that he operated his own business, TradeSmith, since 1998. Initially, TradeSmith was operated as a sole proprietorship; it became a LLC in 2000. TradeSmith was formed to trade US and foreign mutual funds for himself and his clients. Mr. Smith testified that he worked for TradeSmith clients during his commute, as well as during and after the hours he was employed by Bayerische Landesbank Girozentrale. Bayerische Landesbank Girozentrale was not aware that Mr. Smith was trading for his own clients during his workday. Mr. Smith also formed another company called IronSmith²¹, with the intention of creating a hedge fund²². Mr. Smith stated that he had hoped his income from these two companies would grow so that he could quit his job with Bayerische Landesbank Girozentrale and concentrate on his own business. He claimed to have earned

¹⁸ at the time BLB was the highest rated bank in the world. The Plaintiff had put his salary information on his financial affidavit. When Judge Frankel said his financial affidavit was not credible, it was like she was saying the most credible financial affidavit ever presented to the court was not credible.

¹⁹ A simple calculated of \$2500 for 52 weeks is \$130,000. Note that a income of \$130,000 only yields a take home pay after tax of less than \$80,000. How could that plaintiff even get to work? on one occasion the plaintiff had to borrow \$100 just to be able to go to work and that was at the time of the first trial.

²⁰ Imagine a scenario where you commuted three hours a day for seven years to save money for retirement and pay for a house and at the end of the period you get nothing. To take the simulation where you imagine you are in the plaintiff's shoes. Imagine you are ordered to pay more than you make based on something illegal like crack dealing, while your real job is all the way in NYC but you have to appear weekly in Danbury court. And each time you try to tell the court that your wife is borderline and you do not have such extra income from cheesemaking on the Moon the court just gets a grazed look and stonewalls you.

²¹ No IronSmith was ever formed this is fake news.

²² The plaintiff already as early as 2000 had dropped all intentions of creating a hedge fund because the arbitrage from mutual fund timing was already in drastic decline and mutual fund were becoming wise to the strategy and not allowing it. So there was no sustainable strategy to support the creation of a hedge fund. Apparently the court decided to attribute earning capacity to a hedge fund that did not even exist and if it did the strategy would be later determined by Spitzer et al to be illegal. The Connecticut Courts had found that in the case of Connecticut alimony payments wall street securities manipulation was required and preferred. Note that the plaintiff had testified to the Securities Exchange Commission in 2000 in regards to Renert and told the SEC all about the strategy three years prior to Spitzer et al (2003). So the plaintiff had every reason to abandon a hedge fund project and every reason to cling to his only secure job providing health insurance to his son.

Mr. Smith initially testified at trial that he was going to begin working for Aquila Asset Management, LLC, a hedge fund business in New York City, commencing June 1, 2003. He also claimed that he would not be compensated for his first three months of employment and thereafter was vague about how he would be paid except that his base salary would be \$100,000.00 per year if his performance merited such, contingent upon a three-month trial trading period. Prior to and during the trial, the defendant's attorney sought information regarding specific details of Mr. Smith's compensation but the plaintiff failed to produce any documents. During the trial, the court ordered Mr. Smith to produce all information relating to his compensation from Aquila Asset Management, LLC. It required three days and the threat of incarceration before the plaintiff produced an employment contract containing all the terms of his employment (Plaintiff's Exhibits 107, 108 and 109). Exhibit 109 indicates that Mr. Smith's "trial period" would begin May 1, 2003 (not June 1, 2003 as he initially testified). As of May 1, 2003, Mr. Smith would be paid twenty (20)% of his net trading profits and twenty (20)% of the General Partners' net earnings, based on investors introduced to the partnership as a result of his efforts. He would receive no salary during the trial period. However, after successfully completing the trial period, he would be paid \$8,333 per month beginning on August 1, 2003. CT Page 8413-bi

The court finds that Mr. Smith has an earning capacity in excess of \$125,000 based on his seven and a half years of employment with Bayerische Landesbank Giroz, his testimony regarding his earnings from TradeSmith, LLC from 1998-02, and his current job offer with Aquila.²³

Mr. Smith did not know initially whether Aquila would offer him health insurance. He testified that another trader employed by Aquila purchased medical insurance through a clearinghouse but the plaintiff had little information about the availability of medical insurance for himself and Taylor beyond the eighteen.

months of COBRA benefits from Bayerische Landesbank Giroz. Ms. Smith has no access to health insurance for Taylor because she is self-employed.

Ms. Smith is 50 years old and in excellent health. Ms. Smith received a BFA in Art History from the Indiana University of Pennsylvania in 1975. She was employed by the Metropolitan Museum of Art installing exhibitions. She received her MBA from NYU, Stern School of Finance, and worked as a proxy solicitor for Peat Marwick until her move to Connecticut in 1993.²⁴

Mr. and Ms. Smith met while they were both attending NYU. They dated for one and a half years before they married. The marriage was the result of Ms. Smith's pregnancy.²⁵ The family home in Redding is the only home the couple's son has known. Taylor attended Landmark Academy for preschool, briefly attended public elementary school²⁶ in Redding²⁷, and has attended Ridgefield Academy since the third grade. Ms. Smith would like Taylor to

²⁴ If the court had paid any attention at all to the earnings capacity of the defendant then it may not have made the error of attributing her job at Peat Marwick as being a proxy solicitor. The job as proxy solicitor was with Valin Palin.

²⁵ In hindsight the Plaintiff should never have married her. Getting pregnant is a well known way for a borderline women who fears abandonment to entrap a man. The plaintiff before deciding to marry the defendant drew up a list of the defendant's shortcomings as follows: mentally unstable, irresponsible, unfaithful & disrespectful, malicious / falsifying behavior, bad intent, manipulative & selfish, disrespectful of parents & myself, bad temper, materialistic, expensive, hateful, pushy, scene making, imposing, unsatisfied, lacks serenity. These traits are indicative of borderline personality disorder. The plaintiff did not know what BPD was at the time and would only identify it after the Colen report. On May 4th, 1995 the defendant faxed the "my shortcomings list" to the Plaintiff's place of employment. The marriage in effect was broken down from the very beginning and here is evidence of a breakdown as early as 1995. This case can be used to show the horrors of marrying a borderline. The state of divorce would last a full twenty years 1995 to 2015 and the damage would reach about a hundred years worth with the plaintiff retirement accounts all destroyed. The defendant did not only just attack the plaintiff at one place of employment as in the movie "Fatal Attraction" but many places of employment: she destroyed a company MFE but fighting with another partner in the firm, She interfered with the plaintiff work at Ambac, where the plaintiff's manager had to ask the plaintiff to "control his wife", approximately half of the days the plaintiff worked at BLB he went with a lack of adequate sleep from the fighting at home with his borderline wife, TradeSmith was destined to die anyways but her spending would be excessive for a company that was in decline, she was incapable of saving money, she destroyed Aquila, and she later had harassing contact with Depfa, she actually sued Depfa for information about the plaintiff's layoff. She plaintiff refused to tell the defendant even where he worked for his own protection and lead the defendant to believe he worked at Deutsche Bank because it sounded similar to Deutsche Pfandbriefe Bank (DepFa). The defendant was subsequently placing calls to Deutsche Bank insisting the Plaintiff worked there. The Plaintiff was harassed at a total of six places of employment.

²⁶ Dyane had a falling out with the public school in Redding after Taylor was suspended as a first grader for having a toy gun. Dyane demanded I hire a lawyer to sue the school for a retainer of \$5,000, I refused to do it. I felt she was litigiously insane.

²⁷ The Redding Elementary School had sent home a note that Taylor as a first grader said "I'm going to get a gun and shoot him". Later, he was suspended for having a toy gun on the bus. Note this is only a first grader. Later the child drew a father day card where he is putting the father and his adulteress girlfriend into the grave. The adulteress girlfriend has hair with snakes like Medusa, the mythical man killer. On page 139, the book "Understanding the Borderline Mother by Christine Lawson, says "Male children of Witch mothers may grow up to become criminals". This suggests that the problem with Taylor was his exposure to turmoil at home and also if the influence of the borderline mother was that severe, the father is almost under an obligation to seek sole custody. Otherwise you have a situation like Newtown where an idle women receives an excessively large alimony which allows her the time and money to invest in buying guns while at the same time the father is further and further alienation, Suggesting that the cause of Newtown is excess alimony awards and excess parental alienation in the state of Connecticut.

²³ Here the court is using an earnings capacity for a job that is already lost. The Court fired the Plaintiff from his bank job via incarceration. At this point you could argue the plaintiff's career was destroyed and he no longer had any earnings capacity. His credit and reputation was already destroyed. A Bank after 2008 would not even be allowed to hire someone who had been incarcerated. The job at Aquila as already discussed was doomed to fail because the trading strategy of mutual fund timing was already being eliminated and the Aquila was subpoenaed by Spitzer's office. The plaintiff knew this would happen and insisted the Bank job was in the best interest of the child. The rejected a low paying steady job of seven years in favor of a uncertain hedge fund to satisfy the huge narcissistic supply needs of the defendant. The defendant wanted these supplies while she at the same time attacked the plaintiff. Another firm with the same name as Aquila received so many harassing phone calls from the defendant that the other Aquila demanded the Aquila capital change its name to another one - was subsequently changed to New Edge. The Plaintiff earnings capacity would be equal to the average man that had been incarcerated and was not allowed to see his son without being alone with him - about \$15,000 a year.

remain at Ridgefield Academy until the eighth grade and Mr. Smith (if granted sole custody) would like Taylor to attend public school in Ridgefield. Ms. Smith applied for financial aid for the upcoming school year but her application was incomplete because Mr. Smith had not filed his tax returns.

Taylor began therapy with Gerald M. Arndt²⁸, Ed.D., in 1998, when he was pushed, or fell, into a glass table when with his father. Taylor has seen Dr. Arndt, off and on, over the years with both of his parents. In the past year and a half he has seen Dr. Arndt alone.²⁹ A pendente lite court order required Mr. Smith to pay half of the \$4,000 balance due Dr. Arndt. Ms. Smith has paid for Taylor's appointments on a pay-as-you-go basis and at the same time made payments towards the outstanding balance. Despite a court order, Mr. Smith has made no effort to pay his share of Dr. Arndt's bill. Ms. Smith claims he cashed a \$900.00 insurance reimbursement check for the portion of Dr. Arndt's services covered by insurance. CT Page 8413-bi

Ms. Smith has been employed as an associate for Capstone Mortgage Company³⁰ since approximately November 2001. Her job entails soliciting clients for new mortgages and refinancing existing mortgages.³¹ Ms. Smith had no experience in the mortgage/refinancing field; all of her training has been on the job. She is paid strictly on a commission basis and has no health insurance or retirement benefits. Ms. Smith testified that she took the job because it offered her flexible hours that enabled her to pick Taylor up after school and be available if he is ill. It was clear to the court that Ms. Smith has been the parent primarily responsible for raising Taylor since his birth.³²

During the course of the three-week trial, Ms. Smith was not at work and anticipated that her income would suffer since she would be unable to make cold calls to people for refinancing their mortgages.

Ms. Smith testified that she and Taylor attend the Congregational Church, where she has taught Sunday school for five years. She has also been involved in the Ladies Luncheon Club and the Cross Highway Club at the church.

Ms. Smith kept a record of father/son visitation commencing with Judge White's orders of July 17, 2002 (Defendant's Exhibit D-N). In addition to having no visitation from July 17—October 24, 2002, Mr. Smith missed a number of other visits with his son. On 11/4/02, the father was scheduled to pick Taylor up at the Wilton YMCA at 6:30 p.m. Taylor waited until 7:15 p.m. and then called his mother in tears. On 11/7/02, Mr. Smith was again supposed to pick Taylor up at the Wilton YMCA and failed to appear. Other missed or canceled visits include 11/18/02, 11/9/02, 11/10/02 and 11/18/02. On 11/22/02, Mr. Smith appeared one hour late for a swim meet. On 11/24/02 and 11/29/02, Mr. Smith arrived for the visits but had arguments with his son and left without visiting. On 12/8/02, the father notified Taylor that he wasn't coming to visit. On 12/20/02, Mr. Smith arrived forty-five minutes late for his visit, leaving Taylor waiting at the

²⁸ Dr. Arndt was a folie-a-trois therapist, he did not get it that the defendant was just trying to build evidence against the father. This is evidence that the marriage was in divorce mode already in 1998, so a responsible court would have wanted to expedite the case to make it move as fast as possible at the lowest cost for the welfare of the child. In one of the plaintiff's articulation questions he asks did the court behave like a divorce court or a divorce denial court? It is very common for young children to jump and play on couches next to coffee tables. Maybe the defendant shouldn't of had a glass table next to a coach and maybe should not have spent so much money on furniture. The defendant spent all her time while the child was at school shopping.

²⁹ In a strange order the court ordered that the child could not be taken to another therapist. After the court appointed psychologist Robert Colen found that the child had "significant parental alienation syndrome" it made sense that the child should be taken to a therapist most specialized in this syndrome. This is an example of the court just doing what the women wants routinely however destructive. Of the 350 motions in this case, the Plaintiff lost every single motion except the very last one the 350th and that was it was simply mathematically impossible for the last one to be done. Actually the court had done a number of impossible orders like paying more than you make as well as visitation alone which is practice is actually impossible as well. The appeal of this motion is attached in the appendix. In the stay of execution the plaintiff wrote that unless the order is stayed the emotional damage done will last a lifetime which it did.

³⁰ The court failed to mention that the defendant had previously worked part-time for Ian Renert. Ian Renert was a money manager who helped people setup offshore accounts. He was investigated by the SEC. He used to send emails to the plaintiff suggesting he setup an offshore account. The plaintiff never setup an offshore account and in fact it was more the defendant that wanted an offshore account. The plaintiff did not have even money to justify setting up an offshore account - as soon as he would have put money in an offshore account it would have to come out to pay bills so was a waste of time. He had had securities lawyers who had advised him it was illegal. In fact the proposed hedge fund that was abandoned showed the managing agent as an onshore entity as typically structured by professional lawyers. Trading someone else's offshore account does not provide any evidence that the trader has offshore accounts. If Judges in Connecticut are too unsophisticated to realize that hedge fund managers in Connecticut do not have offshore accounts themselves then Connecticut would have to be recognized as a location too unsafe for a manager to setup a hedge fund. Of course the Plaintiff never setup a hedge fund. The plaintiff decided a divorce was more desirable after reading the book "your money or your life".

³¹ in other words Dyane was a mortgage broker. Later in the decade there would be 3 financial scandals all encompassed in this case: The mortgage broker loan scandal, the mutual fund timing scandal and the muni GIC scandal. A narcissist will pursue quick money schemes typically and at the same time push her husband towards them. Note that her financial affidavit demanded \$17,000 a month.

³² The mother also engaged in exclusionary maneuvers since the time of the birth of the child as noted on page 184 of Gardner. When Taylor was still a baby in NYC less than age 2, the father was to meet his friend (one of the largest gift givers in the marriage ceremony) only meeting at a restaurant two blocks away with Taylor in stroller, the mother made a crazy scene even then.

YMCA. The plaintiff also canceled his visits with Taylor on 12/26/02 and 12/30/02. In February 2003, Mr. Smith and Ms. Prior went on a European vacation and Taylor was not told where his father was or why he was not visiting him. Ms. Smith reported that Taylor was upset because he didn't know whether or not he would be visiting with his father.

The couple initially separated, and the husband began divorce proceedings, in July 1999. They reconciled in late December 1999. The husband began the instant action in January 2001. Despite having filed for divorce, the couple and their son took a family vacation to India in March 2001. Defendant's Exhibit E-C is a photograph, taken by their son, CT Page 8413-bk of the couple kissing in India. In addition to filing for divorce twice, Mr. and Ms. Smith agreed there were additional separations during the marriage but were unable to agree on the number of separations.

The marriage was doomed to fail from the start. The wife testified that the couple was intimate less than ten times³³ during the marriage and on most occasions the couple did not sleep in the same bedroom.³⁴ Ms. Smith explained this lack of intimacy, in part, as the plaintiff's following of *The Teachings of Kirpal Singh*,³⁵ (Defendants Exhibit E-E.) This book's teachings are rather unusual³⁶ and tended to restrict the couple's sexual intimacy.³⁷

Mr. Smith had a series of affairs³⁸ during the marriage.³⁹ The first woman Ms. Smith was aware of was Jamie Jo Johnson; that relationship began in April 1999 and ended in May 2001. Ms. Smith testified that her husband admitted to the affair two days after his birthday in February 2000. Mr. Smith was also intimate with Jamie Mosedale,⁴⁰ Ester Bedard and Cathy Prior.⁴¹

Mr. Smith claimed that his wife was angry⁴² because she became pregnant before the marriage and he waited for four months to marry her. During the divorce, Mr. Smith also compiled a list of what he considered were his wife's negative attributes.⁴³ (See Exhibit DW.)

³³ given that the defendant said they had only had sex ten times and the Plaintiff would lose all of a million dollars in his 401k that comes to over \$100,000 in loses per incidents - very expensive indeed.

³⁴ Borderline are known to have "night raids" where they may want to attack you while you are sleeping. The plaintiff would actually put a dresser in front of the door to keep her out. She did things like the wire hanger scene where she takes all my clothes out of the closet and throws them out the window, when she wanted her bills paid she would say me in the face with scissors or spray lysol in my eyes. When I called the Police after she attacked me they would arrest me because of a dual arrest law in Connecticut. So technically I had no protection from her attacks. She was basically too violent to live with. When her pageful episodes became too severe I would run away or seek to runaway but she would either take the keys to the car or lie down behind my car or attack me at my car in the garage as I tried to leave. Many times I had to prepare my things for work the next day in my car and go to the gym to get ready for work as it could become too difficult to maneuver in the house. She would attack me then try to prevent me from leaving in a literal enactment of "I hate you don't leave me".

³⁵ here is the court engaging in religious discrimination? In the prior sentence she mentions the church in Redding and is now denigrating a Saint. If the Plaintiff was denigrated in all categories: financial, parental, religious, sexual does that indicate something?

³⁶ "In the course of inducing a PAS, the father suddenly became labeled as "not being a Christian." page 149, *The Parental Alienation Syndrome* by Richard Gardner.

³⁷ The Colen report says people with her personality disorders are incapable of sustaining a relationship. Here we begin the wild exaggerated extremes in thinking what was the plaintiff a celibate or a womenizer? In a deposition she said he had hundred of girlfriends. Typically someone in a relationship with a borderline will long for a normal relationship. Why does it take two and half years actually more counting the prior divorce attempt to get a divorce?

³⁸ Dyane would try to suggest that the cause of the divorce was the father's adultery. Though she must have been ok with adultery if her relationship with Mr. Smith had started and took place mostly in adultery as during their relationship they were both married to someone else. Possibly when Taylor was conceived they could have been married to someone else. In fact their prior divorce papers did not come through until just prior to their marriage. As I have previously said the marriage already had signs of breakdown in the middle and late 90s. A divorce should have taken place as early as 1995 when the plaintiff first went to an attorney Cutsumpas. The defendant herself says they were intimate only ten times. The real problem here is the cost of divorce. During 1995, 1996, 1997, 1998, the plaintiff was too poor to afford a divorce, he had run up credit cards that had to be refinanced in a second mortgage etc. The Plaintiff maintains that the cause of the divorce is the defendant was too violent.

³⁹ I thought Connecticut was a no fault divorce state so why is there all this denigration as to the Plaintiff's personal life at the Plaintiff's expense. Did not the defendant say they were intimate only ten times?

⁴⁰ The Defendant put flyers on all the cars at Jamie Mosedale's church St Stephen's in Ridgefield denigrating her in a campaign of denigration.

⁴¹ by coaching the child to say he wants to only be alone with the father, the mother is in effect preventing the father from having another relationship. Given that Cathy Prior was a therapist and an MSN specializing in middle school emotionally disturbed child she was the perfect person to help the father maintain a relationship with his son.

⁴² The Plaintiff didn't initially agree to marry her and had not even had time to think. When he did not immediately agree she began permanently angry. While dating she was the opposite was pursuing him doing what you call "idealizing him" as the "Master of the Universe" whom she supported and he was her to wealth and success. But when rejected a borderline's brain will "split". This is called splitting. They will oscillate between idealization and denigration periodically. In her case this was about a two week cycle. The Plaintiff at the time was not familiar with the term borderline in the psychological literature and just felt that during her episodes she had "shortcircuited". He made his list of her shortcomings at the time which when she saw she became permanently angry. She remained angry after he agreed to marry her which he did not understand, if she got what she wanted why did she remain angry? Later he had to medicate her anger with spending.

⁴³ The list of traits of the mother overlapped very closely with the list of traits in the DSM IV for borderline personality disorder. The fact that the defendant faxed the list to the plaintiff's office as early as 1995 shows that the defendant was already interfering with his work. The fact that she said they were his traits shows that she would project onto others that which was attributed to her.

Mr. Smith testified that he is seeking sole custody because his wife has alienated Taylor from him, claiming the child was suffering from Parental Alienation Syndrome as first described by Richard Gardner.

Mr. Smith described a variety of activities and trips he took with Taylor. The reoccurring theme of the father's visits with his son was that time was spent with other people rather than just his son. Mr. Smith described a trip to Cape Cod to celebrate Taylor's birthday with Ms. Prior (father's current girlfriend), Kerry, Ms. Prior's daughter, Kerry's boyfriend, a male friend of the father's, Sean, and his son, Bo. This trip included a visit to a casino that Taylor did not enjoy. Additionally, father and son trips were made to Ohio to visit Mr. Smith's extended family and to Saratoga,

N.Y. where Ms. Prior also owns a vacation home. Weekend visitation also frequently included third parties, including a trip to the Metropolitan Opera in early 2002 (attended by Ms. Prior), Taylor's piano recital (also attended by Ms. Prior), and a visit to the Ethical Culture Society in NYC where Mr. Smith left Taylor in a class to learn about the Muslim religion.⁴⁴ When Mr. Smith and Ms. Prior had a landlord/tenant relationship, she frequently purchased lunch for them on Saturdays because Mr. Smith failed to prepare for his son's visit and have food available. CT Page 8413-bp

Taylor objected to third parties being included in visitation plans with his father and in July 2002 the court ordered that no third parties be included in father/ son visitation plans. Immediately after the court order, the father failed to exercise his visitation from July 18, 2002 until November 4, 2002. Mr. Smith never offered any explanation to Taylor for his abrupt disappearance from his life.

After October 2002, Mr. Smith moved in with Ms. Prior and thereafter did not maintain his own residence⁴⁵. overnight visitation was terminated due to the prohibition of third parties during father/son time. Mr. Smith and Taylor used the partially finished base-

ment of the Redding family home⁴⁶ for their visits if Taylor had homework to complete. If Taylor had no homework, father and son would go out to dinner on weeknights. There was testimony from both Mr. and Ms. Smith that the husband was late in picking Taylor up at the Wilton YMCA⁴⁷ on more than one occasion. The child made tearful telephone calls to the other adults in his life because he was upset and frightened that his father failed to pick him up at the scheduled time and place.

Mr. Smith was unhappy with the ban on third parties⁴⁸ during his visitation with Taylor. He deemed it unnatural, bizarre, inconvenient, and claimed it dissipated his relationship with his son by the lack of flexibility and its inconvenience. Mr. Smith cited many examples of Ms. Prior's⁴⁹ parenting skills and her background as an educator and therapist. The court would note that Mr. Smith has had multiple relationships with other women before, during and after the couple's separations. It was abundantly clear to the court that Mr. Smith regularly relied on other people to help him carry out his parenting responsibilities.

During his testimony, Mr. Smith spoke at length about how he would parent his son with Ms. Prior's help but made little comment about including Ms. Smith in their son's life. When he was asked who would be available to pick

⁴⁶ It had already been a year and a half since the father had moved out and got his own place and filed for a restraining order. Over three years ago the father had previously filed for divorce. The father needed a divorce at least five years prior. The formidable barriers to divorce created by the court in the face of the chaos created by the mother had already resulted in the prior divorce being called off. This kind of move would fan the child dreams of the father coming home. All the attacks on the plaintiff resulting in calls to the police had taken place in the basement where the plaintiff would be exiting. In a "I hate you don't leave me case" apparently the court was no restraining the father from leaving after previous restraining him from going to work via incarceration. He had originally filed for a restraining order to protect his job.

⁴⁷ because of the extensive history of chaos at exchange points the father preferred a public place to avoid a situation where it was his word against hers, where the court always takes hers.

⁴⁸ Mr. Smith filed an appeal explaining why he disagreed with the ban on third parties. See Appeal in the appendix.

⁴⁹ Cathy Prior was an "Ideal Mother" as defined by Christine Lawson in the book "Understanding the Borderline Mother, page 304 quoting the following example, reminds me of my grandmother Hazel Earl. "The ideal mother lovingly accepts the child's true feelings, rage and all, because she faced her true feelings about her own upbringing. Although such a mother is rare, children of all ages know one when they see one. Every Sunday I watch groups of small children flock around an 81-year-old woman in our church. Harriet's radiant smile reflects the love she feels for all children, and her belief in their basic goodness. I once asked her to tell me about her own mother. Tears filled her eyes as she told me that her widowed mother raised five children during the Great Depression. The center of Harriet's universe was an unfailing source of warmth and light. After our brief conversation Harriet sent me a copy of a cherished poem written by her mother, appropriately entitled "Motherhood"

O' Youth! I would be mother to you all!
I know so well your deepest, direst needs,
Who have been mother to daughters and sons,
And learned to comprehend their thoughts and deeds.
I am so thankful that no bounds are set
On this estate so very near divine
But reaches world around and comes to fruit
Wherever needs of yours reach needs of mine.
In this there are no ties of blood or state
The blessed gift of motherhood can't bind.
O! Youth! I would be mother to you all
And make those needs of yours
meet needs of mine.

Mrs. Katie Martin

⁴⁴ Here we have a reference to religion again! Is the court saying it discriminates on the basis of religion. We know that it would be a great source of denigration after 911 world trade center happen. In a way the case is a 901 case where in September 2001 the court destroyed the Smith family. It is a known fact that borderlines can become particularly agitated during a crisis. They say the mind of a borderline is very much like the way normal people felt just after 911 happen, they have a feeling of fear, paranoia. So it was probably just fashionable for a borderline to suggest a Muslim link for denigration at this time. When the case started the defendant and her attorney went to the court and described the plaintiff as having offshore accounts and of being a flight risk (meaning he was planning to flee the country). In hind sight that is probably what he should have done. In actual fact the plaintiff had moved out to Ridgefield and had submitted a request for a restraining order to prevent the defendant from coming to his new place. This order was ignored.

⁴⁵ The father had his own apartment in the basement of Cathy Prior's house, but the defendant had denigration the plaintiff to the town's zoning board saying he had (again) Muslim books and other strange items. She also called the Health department. Cathy's house was not residentially zoned so the defendant took advantage of this. Again she was manipulating and invading. Thus the plaintiff lost his residence due to the defendant's manipulations. Not to mention he could no longer afford a place while paying more than he made.

Taylor up after school if he had to work, the father spoke of Ms. Prior, her daughter and an unnamed network of friends. He never mentioned that if he were not available it would be in his son's best interest for his mother to pick him up. Mr. Smith's attitude was that Ms. Prior was an agreeable and reasonable person and that his wife would have to "play ball and cooperate" with her in parenting Taylor.

Additionally, Mr. Smith's testimony was markedly different from Ms. Prior's regarding their future marriage plans⁵⁰. Given Mr. Smith's history of unstable relationships with women, the court cannot rely on Ms. Prior's continued presence in the father's or the son's

life. At the time CT Page 8413-bm of trial, Mr. Smith was unemployed⁵¹ and Ms. Prior was providing his food, clothing and shelter. If this relationship does not last, Mr. Smith will be homeless. She is not "officially" engaged to Mr. Smith and her expectations of marriage appear to be at odds with Mr. Smith's testimony. The court would be engaging in pure speculation if it relied on Ms. Prior's assistance in the parenting of Taylor in making a custody decision.

Currently the father and son arrange their next visitation at the end of each visit. Mr. Smith complained that he receives infrequent telephone calls from Taylor and it is often a mystery to him if he is supposed to feed Taylor dinner during his visit. The father feels that his relationship with his son has been difficult since he vacated the family home. He claims that the mother has alienated the child from him because the child speaks to him in adult terms — accusing him of committing adultery⁵², making the "wrong" choice, talking about court orders, and telling him he needs to get a job. Mr. Smith testified that Taylor mimics his mother's language when he talks of adultery. Statements⁵³, by Taylor, cited by the father are: "Mom's not your secretary," "I'm going to make your life a living hell,"⁵⁴ "it will take two and a half years to get a divorce," and other similar statements. It was clear to the court that Mr. Smith has exposed Taylor to a number of girlfriends during this and the previous separation. Taylor knows all too much about his father's relationships with Jamie Jo Johnson (the mother of a child attending Taylor's school), Jamie Mosdale, Ester Bedard (the mother of one of Taylor's friends) and Cathy Prior. It was also clear to the court that Taylor harbored a strong fantasy to see his parents reunite. This has been encouraged by the couple's reconciliation after the 1999 divorce and the family trip to India after the present action was filed.

It is clear to the court that the father's behavior is the cause of any alienation from his son and that Mr. Smith accepts absolutely no responsibility for his own actions. In a letter given to his attorney (AMC Exhibit

⁵¹ Mr. Smith had been employed until the court decided to use a coercive order to search for offshore accounts after listening to the testimony of a borderline Mrs. Smith and after the court appointed psychologist had diagnosed the defendant with borderline personality disorder. The Plaintiff had filed a complaint with the Judicial Review Committee saying his only secure job was at stake (see appendix), he had already filed a motion for re-argument which was denied, and a motion for stay, and a motion for modification, and two appeals. Motions and Appeals attached in appendix.

⁵² Mrs. Smith demonstrated her devout Christian values by denigrating Jamie Rosedale at her church, St. Stephens in Ridgefield, accusing her of committing Adultery by putting flyers on all the cars at the church. Flyer attached, a clear example of a borderline campaign of denigration. Her criminal case was at the same courthouse. She probably distributed the flyers with the child in tow. She had the child make a father's day card where the Adulteress has hair like Medusa's with snakes. In Greek mythology Medusa (/mə'dju:zə, mə'dʒu:-, -sə/, US /mə'du:-/; Μέδουσα "guardian, protectress")^[1] was a monster, a Gorgon, generally described as a winged human female with a hideous face and living venomous snakes in place of hair. Gazers upon her face would turn to stone.

⁵³ Taylor also said "I'm going to use the side of my brain that hates". The father was concerned that if Taylor continued in such an isolated and controlled environment that he could develop the same personality disorder as some of the books indicated might happen.

⁵⁴ On a voicemail received by Mrs. Smith she indicated she was going to cause him to lose his job and have him incarcerated, the voicemail was delivered at the beginning of the divorce.

⁵⁰ Here it appears the court is engaging in marital status bias? Is it saying that single status is somehow less equal? Why would the Plaintiff be in the mood to remarry quickly? He had already suffered five years trying to get unmarried and it would end up costing him twenty times his annual income to get unmarried, that is like a country entering a war that would cost 20 times its annual GNP. The relationship was apparently not transitory as the relationship lasted another ten years longer than that with the defendant.

1), Taylor implores the Attorney for the Minor Child (AMC), Susan Poll, to tell the court what he wants for visitation with his father and offers mature and thoughtful explanations for his requests. Taylor states on page two of AMC Exhibit 1, "(w]hen I am with my father at anytime I want no girlfriends or any of their family [Example — I do not want Cathy with my Dad and me, I do not want him to talk to Cathy on the cellular phone or share his experiences or stories with her]." Taylor makes it abundantly clear that he wants to spend one-on-one time with his father rather than with a surrogate mother or with a crowd of people. The fact that Taylor wants to be the center of his father's attention makes it clear to the court that this child has not been alienated. Taylor is literally begging his father for quality time and CT Page 8413-bn father's response is that it is not convenient for him or that he should not be forced to choose between his girlfriend and his son. Taylor comments in AMC Exhibit 1 that he is afraid of his father and that his father often laughs inappropriately. The court frequently noted this behavior during Mr. Smith's testimony. During his testimony, Mr. Smith demonstrated impaired memory, distracted responses to questions, and an alarming inability to focus and answer questions directly. The responses from Mr. Smith were so unfocused that the court was compelled to ask Mr. Smith if he was taking any medication that would impair his ability to testify. Mr. Smith denied that he was taking any medication that would impair his ability to testify. His style of testimony was consistent throughout the entire seventeen-day trial.

Despite his request for sole custody, Mr. Smith did not know the names of all of Taylor's teachers, his best friends, his dentist, or his pediatrician. Mr. Smith planned to change his son's religion (for no reason that was clear to the court), school, and therapist. The father proposed that he and Taylor would live with Ms. Prior. He further proposed that Ms. Prior, her daughter, or his unnamed network of friends could pick Taylor up from school and take him to after-school activities. He also proposed that Taylor play in

a graveyard by Ms. Prior's home. Additionally, at one point during the custody evaluation, Mr. Smith proposed that with the aid of Ms. Prior, his son could attend boarding school.

Mr. Smith testified that he was a "student of comparative religions" including Christianity, Buddhism and the Sikh faith. He initially proposed that Taylor be exposed to a variety of religions so that he could select the one he felt most comfortable with. Later, he testified that despite the fact that Taylor has attended the Redding Congregational Church, he would attend the Methodist Church in Ridgefield if he were awarded sole custody. Mr. Smith offered the court no explanation or logic for changing from the Congregational Church to the Methodist Church. Mr. Smith offered garbled testimony regarding his post-separation participation in Taylor's religious upbringing. He initially testified he would ask Taylor (age eight at the beginning of 2001) if he wanted to attend church on Sunday. If the child said no, they did not attend. When asked if it was appropriate to allow an eight-year old child to decide whether to attend church, Mr. Smith finally acknowledged that it was probably not appropriate to allow even a ten-to eleven-year old child decide if he should attend church. The father also acknowledged that it took the intervention of the GAL to have Taylor make his First Communion because it was "his" weekend.⁵⁵

Mr. Smith testified that he has a spiritual teacher, Rajinder Singh. He CT Page 8413-bo keeps photographs of him in his home and car. (Defendant's Exhibit B-Y.) Mr. Smith said that when offered the opportunity to meditate with Rajinder Singh, Taylor did so on several occasions.

A number of accidents⁵⁶ occurred when Mr. Smith was supposed to be caring for Taylor. On one occasion when Taylor was five years old, he and his father had to be assisted down a mountain by the ski patrol because they were on a ski slope too advanced for them. When Taylor was six years old, his father lost him

⁵⁵ The claim that he "is not a Christian" is a standard classic claim made by PAS inducing mothers. page 105 & 149, The Parental Alienation Syndrome, Second Edition by Richard A. Gardner, M.D.

⁵⁶ From the statements made apparently actually no accident actuality occurred. Gardner page 182 says "The overprotective mother's excessive concerns about harm befalling her children basically reveal that deep intwine her there exists wishes that such harm will befall them". Dyane would be happy if Taylor had an accident with me. Again page 182, "When a PAS develops, a father becomes viewed as someone who knows nothing about safety" This is not proof of an accident anymore than they had proof of offshore accounts.

in the New York City FAO Schwartz⁵⁷ for an hour or more during the holiday shopping season. Mr. Smith allowed Taylor to parasail at the age of seven in the Grand Caymans with a harness too large for a child. Mr. Smith brushed off these incidents by stating that his wife was overprotective and paranoid, which he viewed as a precursor to PAS (Parental Alienation Syndrome). In essence, Mr. Smith demonstrated to the court that he had no experience⁵⁸ or skills in the areas of childcare, child development⁵⁹ or child psychology⁶⁰.

If Mr. Smith were to be awarded custody of Taylor, he would change nearly every aspect of this child's life and undermine any semblance of stability, identity and security the child currently has. Mr. Smith brushed off any concerns about the radical changes he was proposing by stating that his son was "resilient" and would get used to it. The statement that Taylor was "resilient" demonstrated to the court that Mr. Smith lacked the capacity to empathize with the drastic life alterations he would be imposing on his child. Essentially, all of the changes in Taylor's life proposed by Mr. Smith, would directly or indirectly benefit Mr. Smith⁶¹, not Taylor: public school

⁵⁷ If the mother was also there, could you not say the mother also lost him.

⁵⁸ Mr. Smith had two college credits for a course on understanding the borderline mother, he had his own copy of the DSM IV, he had read a number of books on the topic and consulted Dr Gardner, Christine Lawson, and Cathy Prior who was a MSW and therapist specializing in the area. He had read "I hate you don't leave me" by Jerold Kreitman and Hal Straus as well as Stop Walking on Eggshells by Paul T. Mason and Randi Kreger. So he could "Stop walking on eggshells" was precisely the actual reason why he was divorcing. Mr. Smith had also paid a lot of money for a psyche eval of the whole family which was supposed to be used by the court rather than hidden and negated.

⁵⁹ The mother not just in the opinion but by her actions resembled the characteristics of the Queen Borderline Mother and Witch Borderline Mother discussed in Lawson, who on page 137 says "I'm going to make your Life a living Hell", and page 139, "Male Children of Witch Mothers may grow up to become criminals", page 141 she "organizes a campaign of denigration.

⁶⁰ Speaking again of Adultery, Mrs. Smith had contacted CRY Sperm Bank and wanted to have another child, not from Mr. Smith. She in fact had a long fight with Guardian Health insurers over covering the cost. On the profiles of possible sperm donors she wrote that she wanted the child to be "All Mine, Mine, Mine, only Mine", the title of this book, and an indication of the extreme level of her narcissism. She wanted the child all to herself and all of the money, so the husband would pay and not see the child. This is an example of PAS from birth. Mrs. Smith had actually begun the PAS of the child from birth, not the inception of the divorce, it was like planning ahead for divorce.

⁶¹ The case already had not benefited Mr. Smith very much, the court had caused the loss of his job, and was paying for the child's health benefits from Mr. Smith's 401k. Withdrawals from a 401k before retirement are considered extremely stupid. The Court management of the family's financial rank as the worst in history. As I iterate Mr. Smith wanted a quick inexpensive divorce and a functional relationship with his son and keep his only secure job instead of watching Jerry Springer in Bridgeport jail as the court went on a hunting expedition for offshore accounts. As the court previously mentioned he was homeless which is not surprising given he was made to pay more than he made. The behavior of the court did not even remotely resemble any basic concept of Justice. It is true the Plaintiff want to be able to go to work and keep something and also wanted some of the money to pay taxes. The court by taking out all his retirement savings and leaving him with none of it was in effect evading federal taxes.

would save Mr. Smith tuition bills⁶²; sole custody in favor of the plaintiff would eliminate the payment of child support⁶³; sale of the family home⁶⁴ would put cash in his pockets⁶⁵ and pay off his creditors⁶⁶; and replacing Taylor's therapist would give the father the opportunity to choose someone sympathetic to his own views.

Mr. Smith claimed that his wife was disclosing financial information to Taylor inappropriately. However, given Mr.

⁶² So much money was already lost after two and half years of divorce, there was not enough money left to justify a private school anymore. Supposedly the Redding Public School was good which was the reason the family had moved to the town in the first place. Ridgefield Academy was farther away from his home. Public schools are less tolerant of parents abusing their children at home and are less likely to tolerate abnormalities of the parents. The problem with Redding school was Mrs. Smith's falling out with them, not the problems of a first grade child with a toy gun. By unnecessarily pumping money into a private school the court ended up leaving no money for the child's College. The Child had a hard time getting though college because the court had given so much money Susan Poll, someone who was supposed to protect him. Her job was to tell the court at every hearing that the mother was borderline and had four personality disordered and ask that a large trust be created for the child's college and that anyone who assisted the defendant in lying in court receive nothing.

⁶³ The court seemed to be fabricating a motive for the plaintiff seeking sole custody which contradicts his own statements and appeals. Mr. Smith did not seek sole custody until Mrs. Smith demonstrated she was incapable of joint custody. The potential damage to the child if left with the mother with her personality disorders could be too severe for Mr. Smith to at least try. Mr. Smith was basically trying to be heard, but as this document and the case demonstrates the courts were obstructing Justice. Mr. Smith was not expecting a double false conviction. The defendant destructive behavior in the case was supposed to be evidence against her. It wasn't the custody issue that extended the length of the case it was the financial orders in the case that extended the case to toward half years. The financial order made the case impossible to settle. Since that financial had to go to trial then so might the custody as well.

⁶⁴ Judge Frankel had said "if he has offshore accounts then she gets the whole house and the whole 401k". She did not say if he does not have offshore accounts then he gets the whole house and the whole 401k. Why would she say if he has offshore accounts unless she was not sure? The court practiced very unequal justice apparently. That is exactly what the court would end up doing giving her the whole house and the whole 401k. The plaintiff and the child were left with absolutely none of the 401k. All the 401k went to the defendant and to the lawyers assisting the defendant in slandering the Plaintiff. As the court withdrew all the money from the Plaintiff's 401k if left the Plaintiff with all the tax obligations on the withdrawal about \$400,000 on \$1,100,000 withdraw by force ahead of retirement. The child received none for college. The court spent all of the Plaintiff's retirement money accumulated at Bayerische Landesbank in the process of paying the libelers who said his working there and that was his income there was not credible and he had offshore accounts and his real income was from a higher illegal source. A more normal outcome is you got what you claimed - the plaintiff would get his job and 401k while the defendant would get the offshore accounts and the income from mutual fund timing.

⁶⁵ It was Mrs. Smith who was diagnosed with narcissistic personality disorder and had submitted a financial affidavit for \$17,000 a month in support, at a time when Mr. Smith made \$6,000 a month. She apparently like cash much more than Mr. Smith. The first word in the couple's 1999 reconciliation agreement was "Simplicity" a word not coming from Mrs. Smith. The court had no problem putting a lot of cash in the borderline attorneys that the defendant had selected. When Mr. Smith consulted with Harriet Cohen an attorney in New York, she said that borderline wives have a tendency to select borderline attorneys.

⁶⁶ In a Connecticut Court, apparently they assign all the debts to the man and all the assets to the women. In the divorce the court left the man with \$400,000 in debts, destroyed the man's job and career via incarceration, then they assigned the house to the women, they would also spend down the entire 401k and other savings and assign all the taxes to the man. In a later hearing, the defendant wanted the plaintiff to pay one of her credit cards, again the court assigned an additional debt that was in her name to the man, bizarrely the Judge said the man had to prove the account was not his just like he had to prove a negative that he did not have offshore accounts. Bizarre Justice.

Smith's frequent failure to pay support in a timely manner⁶⁷, it was inevitable that the child would experience significant economic changes and worry about his future. Ms. Smith testified that as a result of finances, the family diet⁶⁸ changed radically after the couple's separation. The court finds the wife's testimony credible and finds that this change would have been obvious to the child.

During the couple's pendente lite separation, Mr. Smith lived in six different residences, including:

1. 43 North Salem Road, Ridgefield, CT; CT Page 8413-bp⁶⁹
2. 84 North Salem Road, Ridgefield, CT (Ms: Prior's basement apartment);⁷⁰
3. 230 East 52nd Street, Manhattan, NY;⁷¹
4. With a friend, Justin, on the lower East Side of NYC;⁷²
5. 50th Street, NYC; and⁷³
6. 84 North Salem Road, Ridgefield, CT (cohabiting upstairs with Ms. Prior).⁷⁴

Leslie Raider was the Family Relations Counselor as- signed to conduct the custody evaluation. The report she

⁶⁹ On the advice of his attorney, Mr. Smith moved out and got his own place. There had been too much chaos and violence at home and too many calls to the police. So Mr. Smith moved out and filed for a restraining order. Mr. Smith lost this residence when there was a mysterious flood that occurred while he was away at work. It is still unknown if Mrs. Smith is the cause of the flood. Mrs. Smith presented evidence at court which she could have only obtained by breaking into this residence.

⁷⁰ Mr. Smith moved here because of the flood at the above residence. Mrs. Smith flood in effect brought about his meeting Ms. Prior. Mr. Smith would lose this residence directly because of the actions of Mrs. Smith going to the Ridgefield Zoning board and denigrating him to the zoning board and playing out upon the fact that the building was commercially zoned. She told then in the words of the child "he was selling bad stocks" and had Muslim books, etc.

⁷¹ This residence was very close to Mr. Smith's employment which he wanted to focus on his work. He would see Taylor in CT at Ms. Prior's house. Mrs. Smith went to the Post office in NYC and forged Mr. Smith's signature and had his mail forwarded to an address in the Bronx corresponding to the address of the so called "Master of the Universe" in the book Bonfire of the Vanities by Tom Wolfe. Mrs. Smith had read the book Bonfire of the Vanities and her intention was to destroy the career of the father as revenge for leaving her. The idea was that she had made him now she would break him. She was heard saying "wasn't that great" when in her "The Sting" operation had him incarcerated. When she said "I'm not your secretary" that meant that instead of helping as a partner like in the past doing paper work, marketing, taxes etc. She was going to do everything possible to stonewall and sabotage everything. At the same time she would want her \$17,000 a money. She was actually the person who found the Ian Renert account which provided the most income, she had already received most of the income prior to the divorce spending money on new furniture etc. She had a fully paid for brand new Audi \$48,000, while the Plaintiff only had a leased car which was repossessed following the order to pay more than he made. By her outrageous alimony demands she wanted paid twice and was.

People with low income housing sometimes rent out their place. Mr. Smith had as low a rent as he could find \$1,000 a month. From his Balcony Mr. Smith could see a view of the world trade center. Mr. Smith had only a bed in his room. After the Sept 11, 2001 Mr. Smith could see the smoke rising from the fallen Word Trade Center. After the Sept 01 court decision, Mr. Smith suffered the same destruction to his empire. His negatively coached son called to say he "hoped that his father had died in the event".

⁶⁷ At the beginning of the divorce Mrs. Smith left an email on Mr. Smith voicemail claiming she was going to cause him to lose his job and have him incarcerated if he continued to divorce her. A link to the voicemail is attached. She also wrote and email offer him a choice of peace at home or hell in court. Of course he could not pay support, he was ordered to pay more than he made and he was ordered fired from his job via incarceration.

⁶⁸ As Mr. Smith's father had observed Mrs. Smith had a taste for luxury. Mr. Smith was thin or lean before meeting Mrs. Smith, who liked rich food, drinking wine and eating out. Persons with her personality disorder will engage in substance abuse, food and alcohol to medicate their empty inner self. Mr. Smith lost weight back to normal after ending his relationship with Mrs. Smith.

⁷³ wrong year was the prior divorce. The court took everything the women says as true and blocks the man from correcting it. Thus after the three day financial trial the marshals were only guessing as to what the Plaintiff did for a living, one says investment banker, another says stockbroker. The defendant diversionary tactics away from the real issues of the case (her abuse of the child) was so complete that the court did not know what the Plaintiff did at the basic level and continued to refuse to listen. They were more interested in threatening incarceration if he had his cell phone on. The Plaintiff never had a series 7 securities license ever.

⁷⁴ Mr. Smith moved upstairs after Mrs. Smith's call to the Ridgefield Zoning Board. Mrs. Smith denigrated Mr. Smith to the Zoning Board.

produced is complete, insightful and comprehensive. Ms. Raider noted that father and son had a gap in contact from July 2002 to November 2002⁷⁵ that delayed the completion of the report.⁷⁶ She also noted that Taylor had a factual basis for feeling his father was unreliable.⁷⁷ She cited several examples: on one occasion, Mr. Smith dropped Taylor off at a swim meet just as it was ending and Taylor had no ride home; Taylor stated that his father not wanting him to participate in Boy Scouts was the reason he dropped the activity; on a father/son bike ride, Mr. Smith stopped without telling Taylor and the child suddenly realized his father was not in sight. Ms. Raider felt that Taylor's comments had a basis in truth though they might be slightly exaggerated. Ms. Raider acknowledged that the Smith report was one of the longest she had written in her tenure with Family Relations.

Ms. Raider testified that the mother sought mental health treatment during the course of the divorce and had successfully addressed her emotional issues.⁷⁸ She noted that Mr. Smith had failed to address his own mental health issues.⁷⁹ Ms. Raider noted that Mr. Smith needed to establish a relationship with his son – that

included a sense of security and stability before he introduced a third person into the mix. Ms. Raider expressed concern that Mr. Smith would not follow through with her proposed access schedule. When he was displeased with the July 2002 change in visitation he did not see his son for several months. During this gap in visitation the plaintiff failed to consider the impact of his vanishing act on his son.⁸⁰

Ms. Raider felt that the actions of both the husband and wife and the years of marital conflict had an impact on Mr. Smith's relationship with his son. However, Mr. Smith failed to take responsibility for his actions, was more intent on blaming his wife, and failed to apologize to his son for the period of no contact and for being late or missing CT Page 8413-bq visits.⁸¹

Ms. Raider recommended sole custody to the mother and visitation for the father on alternate Saturdays from 10:00 a.m. to 6:00 p.m. and on alternate Sundays from noon to 6:00 p.m. She proposed Mr. Smith's weekday access to be one weekday afternoon or evening for two hours of counseling with Taylor. Ms. Raider recommended that the time spent by father and son include no third parties and if father attended school functions, recitals or sports events he be unaccompanied. Ms. Raider did not recommend that Taylor's therapist be changed. Taylor is comfortable with Dr. Arndt and they have worked together for several years. (At one point during the trial, Mr. Smith proposed that Dr. Richard Gardner, who coined the term Parental Alienation Syndrome, be Taylor's therapist.) Ms. Raider did not believe Mr. Smith was an active parent when the marriage was intact and expressed concern for the multiple moves the father had made during the separation. Taylor's concerns, as expressed to the Family Relations Counselor, included whether he would continue attending Ridgefield Academy, and whether he would remain in the family home and keep his pets. Ms. Raider warned that Taylor would remember with disappointment if the father did not take his parenting access time she had proposed.

⁷⁵ Mr. Smith continued working at his job, despite the order remaining 170% of his paycheck. The court placed a warrant for his arrest from July to October and then incarcerated him in October causing the loss of his job. Mr. Smith had to ride from the Bridgeport prison though the beautiful Autumn leaves to court. Title of another book being "A Place with Pretty Leaves and Ugly People" referring to Connecticut.

⁷⁶ The coercive nature of the financial order and the subsequent behavior of the court in effect simply denied there any chance of having any Justice in the case. The borderline Defendant's campaign of denigration was an effective diversionary tactic throwing attention to offshore accounts and nonexistent hedge funds. Richard Kent's assessment of the case was that the case was polluted - meaning the case was excessively biased. The therapist David Greenfield said that the court was not interested in the truth.

⁷⁷ Not surprising given that the court prosecuted Mr. Smith for having offshore accounts.

⁷⁸ Mrs. Smith was found to have very serious personality disorders in July of 2001, instead of seeking effective treatment including medication she instead prepared her counterattack in the trial of Sept 2001 where she alleged the Plaintiff had offshore accounts etc. etc. The allegations were intended to divert attention from her mental illness. She was a treatment resistant borderline.

⁷⁹ Mr. Smith's issues were that he needed a fast and inexpensive divorce handled by intelligent professional that could tell facts from non facts. The child was diagnosed with "significant PAS" by Dr Colen. Ms. Raider was not doing anything that would prevent this from turning into full childhood PAS.

⁸⁰ Again this is crazy writing. The Plaintiff was incarcerated for having offshore accounts and as a result of a financial that was 170% of his paycheck and all his efforts to change the order were stonewalled and fell on deaf ears.

⁸¹ Mrs. Smith is the sole creator of the hostile divorce. She created the absurd finances and she was doing everything possible to interfere with his visitation. Severe PAS cases typically end with the father giving up at some point. If the court finds the father "not credible", why should the child.

Robert Colen, Ph.D., conducted court-ordered psychological evaluations of the parents and child. The first evaluations were completed in July 2001. (Plaintiff's Exhibit 27 A.) The psychological evaluations were updated in March 2002. (Plaintiff's Exhibit 27B.) In his initial report, Dr. Colen acknowledged that Mr. Smith "at times will show exaggerated aggressive behavior with little apparent provocation" (Plaintiff's Exhibit 27A, p. 5).

Dr. Colen completely discounted Mrs. Smith's allegations of domestic violence as exaggeration but failed to look for any evidence that corroborated her claims. The Family Relations Counselor, Ms. Raider⁸², did seek verification of the mother's claims of domestic violence⁸³ and gained access to doctors and hospital records that verified Ms. Smith's complaints.⁸⁴

Dr. Colen's first report and testimony portrayed Ms. Smith as a guarded and defensive woman, who displayed evidence of a mixed personality disorder with histrionic, borderline, obsessive-compulsive, and narcissistic features. Dr. Colen drew a more positive picture of Mr. Smith, characterizing him as hard working, self-assured, persevering, dependable and trustworthy. (Plaintiff's Exhibit 27A, p. 5.) Dr. Colen's diagnostic impression of Mr. Smith included personality disorder not otherwise specified, with passive-dependant, passive-aggressive CT Page 8413-br features.

The first report concludes that

[w]hile Mr. Smith can appear somewhat withdrawn, preoccupied and distracted, his reality testing was intact and there was no evidence of cognitive distortions in either the clinical interviews or formal testing. He was seen as a loving father who wants to remain involved in Taylor's life. While he may at times show some insensitivity in his comments and jesting with Taylor, he does seem capable of exercising good judgment and responsible childcare. Since Mr. Smith had apparently been disempowered in his parenting role over the many years of the marriage, he will need time alone with Taylor to further the father-son bond. It

is thus recommended that Mr. Smith have increased time with Taylor despite Taylor's resistance to such contact . . . This examiner further recommends continued psychotherapy⁸⁵ for Mr. Smith since he seems to be profiting from his treatment.

(Plaintiff's Exhibit 27A, p. 7.)

Dr. Colen's second report cites several lapses of parental judgment on Mr. Smith's part but writes them off as due to the high stress Mr. Smith was under due to the divorce. (Plaintiff's Exhibit 27B, p. 4.) The report concludes on page seven, "David Smith presented as extremely stressed⁸⁶, preoccupied, and overwhelmed with his situation . . . he was bitter and resentful of the court's decision regarding child support/ alimony and expressed grave fears about his depleted financial situation. He did appear more unbalanced than he has previously and at times displayed loose thinking. His judgment seemed compromised due to his high level of stress and preoccupation with his situation." (Exhibit 27B, p. 7.) Dr. Colen recommends regular face-to-face psychotherapy and a referral for a medication evaluation. (Plaintiff's Exhibit 27B, p. 7.)

At the time of trial, Mr. Smith had failed to follow either recommendation. He met with a therapist in NYC on one occasion but did not return due to the cost and met with Ms. Prior's religious counselor on one occasion. During the trial, Mr. Smith admitted being prescribed an anti-anxiety medication by his primary care doctor that he could take on an as-needed basis. He testified that he was not taking the medication every day during his trial testimony and that it did not impair his ability to testify.

Dr. Colen's first psychological report recommended that Ms. Smith seek regular psychotherapy along with a psychiatric consultation to explore the use of medications. (Exhibit 27A, p. 7.) In his second report, Dr. Colen found Ms. Smith "more in control of herself, less rageful, and less intense about the situation with her husband." (Plaintiff's Exhibit 27B, CT Page 8413-bsp.6.) Dr. Colen also spoke to Ms. Smith's psy-

⁸² Ms. Raider is an unusual analyst of character, she finds a borderline and narcissistic personality to be stable and nonviolent while a passive personality is violent.

⁸³ The truth is 100% the opposite the mother was always the propagator of violence. If the husband was so violent why would she initially try to prevent the divorce. Why is she the defendant? Why did Mr. Smith leave the house and apply for a restraining order at the very beginning of the divorce. This is a false conviction has nasty and false as the claim of offshore accounts. As the saying goes "False in one thing, false in all"

⁸⁴ Ms. Raider had no evidence in fact, if she had any why would she cite it. None is given because she had none.

⁸⁵ All the therapy that went on by therapist that are not any good is a waste of time. There had already been years and years of therapy and of course a lot of time and money wasted on it. It is hard enough to go to work two hours away but to also go to therapy and visitations it all came to being impossible. After it was clear that Mrs. Smith was a severe case of borderline and she was inducing a severe PAS then that was the conclusion of the therapeutic needs. It was time for Mr. Smith to "stop walking on eggshells" and exit the relationship.

⁸⁶ can be used as evidence of abuse of power.

chiatrist, Dr. Julianne Densen-Gerber, and her psychotherapist, Constance Lawrence, Ph.D. "Dr. Lawrence felt Mrs. Smith's "affective instability, impulsivity, anger, and shifting" were normal reactions to someone in her situation. Dr. Lawrence did not feel that these and other features of Mrs. Smith met the criteria for a personality disorder." (Plaintiff's Exhibit 27B, p. 6.) Dr. Densen-Gerber did not find significant psychopathology to warrant the use of psychotropic medication.⁸⁷

Dr. Colen testified that he works at the same clinic as Dr. Ramasami, who is a friend of Mr. Smith's. Dr. Colen admitted that he might have discussed the Smith case with Dr. Ramasami either before or during the evaluation, Taylor told Ms. Raider and his mother that Dr. Ramasami told him that he would be sorry if he didn't say he wanted to live with his father. Despite being the court-appointed evaluator, a neutral in the case, Dr. Colen met with Mr. Smith and Ms. Prior for fifty minutes on the Thursday prior to the trial. While Dr. Colen did call the GAL and AMC for an update, he failed to meet with Ms. Smith or Taylor prior to trial. Dr. Colen's last contact with the mother was February 7, 2002 and his last contact with Taylor was March 9, 2002.

Despite the fact that Dr. Colen was ordered by the court to perform psychological evaluations on the parties and minor child, his reports do address custody issues. The underlying basis of both reports prepared by Dr. Colen was that the wife and child were exaggerating their complaints about the husband. Dr. Colen admitted that if their complaints were accurate his conclusions would be flawed. Dr. Colen's observations did not reflect the behavior of the parties during trial, particularly during their respective testimony. Additionally, his meeting with Mr. Smith and Ms. Prior immediately prior to trial (without a similar meeting with Ms. Smith) and Mr. Smith's friendship with a colleague of Dr. Colen's (Dr. Ramasami, who tried to persuade Taylor to live with his father) all call into question the objectivity of the evaluator. The court

did not find Dr. Colen's reports⁸⁸ persuasive in rendering a decision regarding custody and visitation. On the other hand, the report of the Family Relations Counselor was comprehensive, insightful, objective and impartial. The court's custody and access decision was therefore based on the Family Relation's evaluation, the testimony of the parties and witnesses, the wishes of the minor child and the recommendations of the AMC and GAL.

The parties called a number of witnesses to comment on their parenting abilities. Mr. Smith called his sister, Anna Smith; a former colleague, Sandye Mann; and his girlfriend, Cathy Prior. Mrs. Smith called Nadine Taylor-Barnes, Patricia Stout, Susan Valdez and Tracey Baines. CTPage8413-bi

Anna Smith had relatively little contact with the Smith family since she lives in Ohio. Her only opportunity to observe the parents interact with Taylor was on visits to Ohio or her visits to Connecticut. She was aware that the marriage had problems from the start. The most significant portion of her testimony was the fact that she placed the blame on Ms. Smith for her failure to see Taylor during her trip to the northeast in August 2002. She was not aware that a writ of habeas corpus had been issued for Mr. Smith's arrest and he could not enter the Connecticut without risking arrest. Anna Smith did not speak to Taylor or Ms. Smith during the August 2002 telephone call her brother claimed to have placed to them. Anna Smith admitted she had never sent her nephew a birthday card or birthday present. Additionally, despite her testimony that was replete with praise for Ms. Prior, Anna Smith never saw Taylor and Ms. Prior together.

Sandye Mann had not seen the Smith family in several years and it was evident from her testimony that she had a strong dislike of Ms. Smith. Her testimony was inappropriately aggressive at times, loudly continuing to answer questions that were the subject of objections, even after being instructed by the court to stop until an evidentiary ruling had been made. She did ad-

⁸⁷ Rather than take the medication recommended by Dr Colen, Mrs. Smith chose to shop for other therapist that suited her pride. She had suffered a narcissistic injury as a result of the family psyche eval. When you mix narcissism in with borderline personality disorder you get a treatment resistant borderline who is in denial of her condition. She will project the problem onto the person who says she has the problem.

⁸⁸ "Understanding the Borderline Mother" by Christine Lawson, page 147, states that "In fact, borderline Witches denigrate mental health professionals."

mit that she had given Mr. Smith *The Complete Kama Sutra* as a Christmas present in 1994, inscribed "David, Happy Holidays! I hope reading this brings you pleasure." It was apparent that this gift cooled the relationship between Ms. Mann and Ms. Smith⁸⁹. During the couple's separations in 1999 and 2001, Ms. Mann testified to fielding up to fifteen to twenty calls a day from Ms. Smith and Taylor. Ms. Mann testified that Ms. Smith used vulgar language and also claimed that she heard the defendant coaching Taylor during these telephone calls.⁹⁰

Cathy Prior testified on behalf of Mr. Smith. She was his landlord and claims to have become his girlfriend in July 2002. She is currently supporting Mr. Smith financially. Ms. Prior is well credentialed, having a BFA in Art, a BSW, MSW, Masters in Education, 6th year certificate, and is certified to teach K-12 and as a school social worker. She is currently employed in two positions with the Board of Cooperative Education Services in Yorktown Heights, NY, as a principal and a therapist. She has coached girl's lacrosse and ice hockey, acted as a spiritual advisor for AMAS and is active with the Prevention Convention and St. Mary's Youth.

Ms. Prior was divorced in November 2001 and has two children: a daughter who attends college and a seventeen-year old son. The son lives with his father, as does the daughter when she is home from college.

Ms. Prior has been very involved with Mr. Smith and Taylor since she became his landlord. When she went shopping on Saturdays she would pick CT Page 8413-bu them up lunch. Mr. Smith and Taylor enjoyed a vacation at Cape Cod and Saratoga, N.Y. with Ms. Prior at homes she owns in those locations. Ms. Prior claimed to have dressed Taylor for his first Communion in hand-me-down clothing from her son. She also testified to arranging a variety of activities for father and son including watching a meteor shower, helping Taylor with homework, allowing father and son to use her guest room for visits between

January and June 2002, and attending Taylor's piano recital, play and swim meets. In June 2002, she even had a piano moved into her home for Taylor to play. It was Ms. Prior's suggestion that she and Mr. Smith visited the public school he would have Taylor attend if he is awarded custody. Ms. Prior has no plans to work during the summer of 2003 in the event Mr. Smith is awarded custody of Taylor. Ms. Prior took over the cooking and laundry for Mr. Smith and his son when they spent weekends in her apartment

In July 2002, Ms. Prior spent time contacting lawyers to represent Mr. Smith. After the capias was issued, Mr. Smith and Ms. Prior met in New York City because he could not comply with the court's financial orders. Ms. Prior posted some of Mr. Smith's bail and has given him an estimated \$5,000 — \$10,000 to date. She has also allowed Mr. Smith the use of her credit card.

Despite the fact that she earns "in the high \$90,000s" per year, Ms. Prior pays no child support to her former husband⁹¹. It was clear from both Ms. Prior's, and Mr. Smith's, testimony that she is "enabling" him in many ways. She is currently supporting him financially and he has been unemployed since the end of October 2002. She literally takes care of Mr. Smith in many ways: preparing his food, doing his laundry and caring for his child, either directly or indirectly. She allegedly performed many of these activities even before they had a romantic relationship.

Nadine Taylor-Barnes testified on behalf of the defendant wife. She has known the Smith family since 1993 but moved to California in December 2000. She has returned to Connecticut on several occasions since December 2000 and socialized with Ms. Smith. Additionally, the women have maintained telephone contact since Ms. Taylor-Barnes move. Ms. Taylor-Barnes had ample opportunity to observe the mother and son interaction. Ms. Taylor-Barnes described Ms. Smith's relationship with Taylor as total devotion⁹² in every aspect of his development including social, emo-

⁸⁹ Mrs. Smith because of her angry personality is bound to eventually have a falling out with all persons. Here is an example of the court evidence gathering and decision process. The court likes to insinuate that Mr. Smith had a relationship with Ms. Mann, all from the presence of a book, it seems this might actually be loose thinking.

⁹⁰ Mrs. Smith very frequently harassed Mr. Smith at work, at both Ambac and Bayerische Landesbank. At one point Mr. Smith's supervisor, Lori Miller asked Mr. Smith to try and control his wife. When a house in New Canaan that Mr. Smith bid on and had an accepted bid, and then a higher bid came in, Mrs. Smith was so angry, the attorney handling matter for the Smiths, Melissa Klauberg suggested maybe he should not even buy a house and that most marriages like theirs end in divorce with the father in a small apartment alone, cleaned out. Mr. Smith had numerous harassing emails that may have supported her claim. But the court would take emails as evidence for the Plaintiff having offshore accounts, but emails from Mr. Smith were considered not admissible in an odd unequal treatment of the law. When Mr. Smith wanted to present evidence of what the securities law was regarding mutual fund timing the court would say printouts from the internet were not admissible, as if they did not want to know, thus the information that the court obstructed was the law itself.

⁹¹ While setting her divorce, Judge Frankel kept repeated asking her why she was not taking any alimony from her ex, and she should be aware if she settles as such she would not be able to come back for it again.

⁹² The words "total devotion" imply also total possessiveness and over controlling and over involved.

tional and intellectual. Ms. Smith's style of discipline was described as kind but firm. She described Ms. Smith as the primary caretaker of Taylor and indicated Mr. Smith was not around a lot.

Ms. Taylor-Barnes⁹³ saw Mr. Smith interact with her son and Taylor on a vacation to Cape Cod, Massachusetts in August 1998⁹⁴. On the way to the CT Page 8413-bv beach, the children ran ahead of the adults and Ms. Smith and Ms. Taylor-Barnes were concerned because sand dunes obscured their view. The ladies screamed⁹⁵ at Mr. Smith to catch up with the children. He appeared to be in no hurry and the women dropped their bundles and ran to the beach. Upon reaching the top of the stairs, Ms. Taylor-Barnes saw Mr. Smith grab her son Blake in a chokehold⁹⁶ and scream at him "where is Taylor?" Mr. Smith's behavior was described as "out of control."⁹⁷

Patricia Stout, a co-worker of Mrs. Smith's from Capstone Mortgage⁹⁸, testified on her behalf. She has known the defendant since August 2001 and they share a workspace. Ms. Stout testified that Ms. Smith leaves work every weekday to pick Taylor up from school and has a desk and chair set up for him in the office. It was Ms. Smith's idea to set Taylor's work-space up and it includes a photograph of Father and Son. Ms. Stout has an eighteen-year old son, Christopher. In February 2002, before she met Mr. Smith, he called her son, then age 17, to see if he could pick Taylor up. Ms. Stout objected because her son had his driver's license for only one month at the time. After being informed that her son had been driving for only one month, Mr. Smith still did not feel it was inappropriate for him to transport Taylor. Approximately one month after Mr. Smith's telephone call Christopher flipped his car in an accident.⁹⁹

Ms. Stout testified that Taylor asked her to proof read a letter he was in the process of writing to his attorney. (AMC Exhibit 1.) Taylor told Ms. Stout he was writing the letter because no one cared what he wanted and he wanted

Ms. Taylor-Barners was a lot like Dyane she was aggressively narcissistic. She was the type that would trade up husbands for one that makes more money. When she divorced she probably pretty much destroyed the father, Stan's relationship with the children. Stan was a nice guy and probably could not take being butchered to death by her. I don't know all the details but they did not appear good for Stan. Apparently PAS is pervasive in Connecticut. A fellow who lived on the same road Lymeklyn who rode with me on the Redding Train to New York, one day I heard from Jeff at the station house that his wife had filed for divorce and he had killed himself.

⁹⁴ Here the court is taking evidence from an event many years prior to the divorce stating in 2001. When Mr. Smith wanted to present evidence the court was militantly particular in not allowing anything prior to the state of the divorce. The court just blocked any evidence the Plaintiff tried to present by muzzling his attorney. Mr. Smith's record of abuses had reached 300 pages when he decided to divorce - of course this was real stuff.

⁹⁵ Sometimes you can read between the lines to discover the truth - like that fact that the ladies were the type that screamed at others to do things.

⁹⁶ Why would he put him in a chokehold when he is asking him a question. Their story makes no sense. It would appear that the defendant had not actual instances of abuse. Here she is only offering potential accidents which can be almost infinite for any couple. Gardner on page 105 says "The mother's favorite mantra was, "He (her husband) is not safety conscious".

⁹⁷ Given that the ladies said they were screaming, it sounds more like they are projecting themselves onto him and they in fact were out of control. Never the less nothing happened.

⁹⁸ Capstone was a mortgage broker. Imbedded in this case is like five scandals typical of a narcissistic society: the excessive mortgage lending business, the mutual fund market timing scandal, the muni GIC scandal, the offshore accounts scandal, and the corrupt Connecticut courts scandal.

⁹⁹ Mr. Smith does not recall this incident. It is a bit odd. Are we implying that Mr. Smith is guilty of potential accidents? Why was the court not looking at the fact that Mrs. Smith committed a crime at the St. Stephen's church in a car with the child in tow or Mrs. Smith would threaten suicide and that she would drive her car off a cliff.

Attorney Poll to read the letter to

the court. Additionally, in the last six months, Taylor has confided in Ms. Stout about the divorce. He said that his father doesn't come to visit when he is supposed to, no one listens to him (Taylor), and he has spent lonely weekends because his father couldn't decide when he was picking him up. On one Saturday, Taylor reported he canceled a play date only to have his father cancel the visitation.

Susan Valdez testified on behalf of the wife. She has known the Smith family since their boys attended Landmark Academy together. When Christopher Valdez and Taylor were approximately six years old, Mrs. Valdez asked Mr. Smith to watch the boys at the YMCA in Wilton while she went to the ladies room. She was concerned about her son's safety around the water and described him as a "natural sinker."¹⁰⁰ When Mrs. Valdez returned from the ladies room she noticed that Mr. Smith had a newspaper in his face and could not observe what the boys were doing by the waterfront. The plaintiff, who was present some distance away, assured her that that he had kept an eye on Christopher while she was gone. The two women sat down to watch how long it took Mr. Smith to look up from his paper. The boys began to roughhouse and one was pinned under the CT Page 8413-bw water¹⁰¹. The women ran towards the water screaming¹⁰² and Mr. Smith did not look up from his paper until Ms. Smith's shadow¹⁰³ fell across his paper.¹⁰⁴ On another occasion, Ms. Valdez bumped into Mr. Smith at the pediatrician's office. During their conversation Mr. Smith accused his wife of "faking an illness" to avoid taking Taylor to the doctor for a sick child visit. He also claimed that Taylor was not ill even though the child looked sick to Mrs. Valdez.

During the summer of 2001, Ms. Valdez saw Mr. Smith and Taylor in the Wilton YMCA. Mr. Smith went toward the pool and Taylor went to the pond area not covered by lifeguards. Ms. Valdez kept an eye on Taylor and made sure he had sunscreen. When the Valdez family was ready to leave she asked Taylor if he knew where his father was. Taylor explained he was

supposed to meet him in the parking lot earlier. Taylor was obviously upset because he didn't know where his father was. Ms. Valdez calmed Taylor down and had the boys look for Mr. Smith's car and check the men's locker rooms. Mr. Smith appeared in the parking lot more than forty-five minutes late. The Wilton YMCA has a rule that children under thirteen years old are not to be left without adult supervision.¹⁰⁵

Tracey Baines testified that Taylor and her son Rory are good friends. She testified about an incident that occurred Thanksgiving 2001: plans had been made for Taylor to be dropped off for a play date at 1:00 p.m. Instead, Mr. Smith dropped Taylor off at 4:00 p.m. inappropriately dressed in shorts and flip-flop footwear. Ms. Baines expected Taylor to be picked up at 5:00 p.m. but Mr. Smith failed to arrive. She fed Taylor and beginning at 7:00 p.m. she began trying to reach Mr. Smith by telephone. Mr. Smith finally arrived between 9:00 p.m. and 10:00 p.m. claiming he had fallen asleep. Ms. Baines described Taylor as being upset when she was unable to reach Mr. Smith.

Taking all the credible testimony as a whole, it was clear to the court that Mr. Smith lacks the knowledge, commitment, ability to sacrifice, and confidence to be awarded sole custody. If the court awarded the father sole custody, it is clear that the task of parenting Taylor would at best be shared with Mr. Smith's significant other, and at worst totally controlled by Mr. Smith's significant other, because it appears that Mr. Smith would willingly abdicate the responsibility. The court finds no credible evidence that the mother is deliberately alienating the minor child from the father. The court concludes that the father's behavior, described in detail above, is the primary cause of the poor father/son relationship. The court also finds that both parents contributed to the communication of the details of the divorce to the child.

FINANCIAL: CT Page 8413-bx

When the couple purchased their home in Redding in 1993, Mr. Smith "borrowed" \$60,000 from his parents

¹⁰⁰ Apparently she was so concerned that she decided to leave him. There was a lifeguard at the Wilton Y by the way.

¹⁰¹ How does one get pinned under the water? Note if something was going on what was the Lifeguard doing at the time.

¹⁰² Again we have women who tend to scream, maybe that is what the evidence really is here.

¹⁰³ Mrs. Smith shadow at one point fell across Cathy Prior's daughter who worked as a lifeguard at the Wilton Y and there was a police report.

¹⁰⁴ Maybe what it was was her critical eye or evil eye fell upon Mr. Smith. Apparently here we have Mr. Smith being condemned for reading the paper. Maybe this is the violent or neglect that Mrs. Smith is alleging. Here we have Connecticut implying that men who read the paper should lose custody of their children.

¹⁰⁵ It's interesting all these claims of being late. Mr. Smith was typically a too early person. He had almost a never late record at work. He was not even a fast driver. To this date he has no incident of a speeding ticket. He also has not record of violence ever and has had no accidents and has never had a broken bone. It would appear that Mr. Smith was a very safe person and a great risk manager. Mrs. Smith had made it such a hassle visiting his son midweek that he just gave up after years of trying with no help from the court.

for a down payment.¹⁰⁶ (Plaintiff's Exhibit 51.) However, his parents gave the couple a gift letter so they could qualify for a mortgage. (Defendant's Exhibit B- H.) During the couple's reconciliation in 2000, Mr. Smith managed to "pay" his parents back the \$60,000 in full¹⁰⁷.

The defendant introduced a note hand written by the plaintiff (Defendant's Exhibit DS) indicating an intent NOT to report all of his income during the pendency of the 1999 divorce^{108,109}. The note indicates "Report BLB only as per 1998 Tax Return,¹¹⁰" "Nothing is official in 1999," "This year's other client income meaningless because not calculated, USE LAST YEAR 1998." Exhibit DT illustrates even more disturbing ramblings¹¹¹ of the plaintiff and indicated that Mr. Smith was contemplating charging his Bahamian lawyer with a Human Rights violation — "drag his ass down to NYC-UN Building¹¹², Freeze CT funds in foreign banks, spending freeze¹¹³ in CT close court

houses¹¹⁴, ABUSE Judge's child like they abuse mine.¹¹⁵ Exhibit DV contains similar allegations of the plaintiffs in his own handwriting stating that, "The police¹¹⁶ abusing my son must stop by arresting me and assaulting my job must stop. Police attacks on my Ability to Support my Son the Failure of the State to protect me my son from abuse. MUST STOP¹¹⁷, I will have the Branch Managers President Bavaria on the phone with the Governor of CT¹¹⁸. BLB will boycott the STATE, seek to freeze 500M Funds for human rights abuse, UN sanctions Chinese Embassy, UN troops at my home." Further evidence of the Plaintiff's disturbed state of mind¹¹⁹ is evident in Exhibits D-X and E-A.

During the current dissolution, Mr. Smith claimed to have borrowed funds from a number of sources including his mother and a friend, Jack Francis. (Plaintiff's Exhibit 53.)

Mr. Smith was employed by BLB from 1995-October 2002. Mr. Smith testified that his job title was 1st or 2nd Assistant Vice President and later Vice President. His job duties included bidding on and trading

¹⁰⁶ The money was borrowed from a bank with a co-signature from his father so at all times was a bank loan.

¹⁰⁷ The plaintiff did not pay back his parents he paid back the bank. During the divorce when the court ordered Mr. Smith to pay more than he made by 170% in a search for offshore accounts, Mr. Smith's parents had to be the offshore accounts and he borrowed \$50,000 from his parents to pay the alimony. In hindsight he should have gone immediately to incarceration instead of asking other people for money. The defendant stole \$50,000 from the Plaintiff's mother by lying. Later on as she got older and the land was not sold he was short on funds often due to Mrs. Smith's thief.

¹⁰⁸ How can you report your 1999 income when you are inside the year 1999?

¹⁰⁹ Here it seems the court is interested in evidence from the 1999 divorce from the defendant but all along in the divorce the court called anything the Plaintiff had to not be admissible. Note that Mr. Smith even in the first divorce was frightened by the potential cost of the divorce. The volatility of that divorce was so severe that Mr. Smith gave up. "The BP's threat of suicide or threat to harm others can, at times, paralyze the non-BP and make them fell as if leaving the relationship is too risky" page 79 Stop Walking on Eggshells by Paul T. Mason and Randi Kreger. Even in the second divorce one of the solution suggested by Mr. Smith's attorneys was again to reconcile again, has appeal seemed impossible. Mr. Smith was in effect being denied a divorce.

¹¹⁰ in the year 1999, the last year that you reported income would have been 1998.

¹¹¹ The court had found that a person with disturbed ramblings could have an income up to \$1 million dollars a year and gives estimates like \$440,000 and up to maybe 1 million, when in fact his income was closer to \$75,000 after tax.

¹¹² The Human Rights violations in this case are so severe that a complaint should be filed at the UN. The court violated many of the basic human rights listed by the UN.

¹¹³ Mr. Smith worked in municipal finance places like Jay Street Court had investment agreement executed by Mr. Smith. Ironically, the court by attacking the plaintiff's place of employee by rejecting his testimony that he worked there, and preferring an income from a illegal source and that was variable income was in fact attacking the funding of court houses.

¹¹⁴ Mr. Smith job was under attack for a long time, Mrs. Smith's and Mr. Smith's calls to the police had greatly interfered with his ability to go to work, he had to take off many days for court appearances. With Mrs. Smith attacking Mr. Smith at home so often (at least half the time) he had a great difficulty working even during the years before divorce. Mrs. Smith also harassed him at work. When Mr. Smith was heavily abused in the classical ways that a borderline abuses a non-BP he would use humor as a coping mechanism. Just like a campaign of denigration is a coping mechanism for a borderlines/ narcissist that feels insulted.

¹¹⁵ At the beginning of the divorce it appeared that something had gone wrong with the case from the beginning. Mr. Smith was getting negative feedback from the court before he had even been to court, thus his belief that Mrs. Smith and her lawyers must have delivered nasty claims to the Judge ex parte, like this and that he was a flight risk and that he had offshore accounts.

¹¹⁶ Borderlines are known for their frequent calls to the police, they are seeking an outside authority to control another person. "Almost universally, non-BPs say they feel manipulated by the BPs in their lives. If the non-BP doesn't do what the BP wants them to do, BPs may threaten to break off the relationship, call the police or even kill themselves. page 46 Stop Walking on Eggshells.

¹¹⁷ Stating as early as 1995, Mrs. Smith had become violent at home. Note that Mr. Smith had no motive for him to be violent. Mrs. Smith would become violent to get money and her credit cards paid. She would attack Mr. Smith with Lysol in the eyes and stabbing him in the face with scissors. Mr. Smith would have to medicate her personality disorders with money. She would only calm down after getting what she wanted. When she was too violent Mr. Smith called the Police and they arrested Mr. Smith citing the dual arrest law. Thus Mr. Smith had no protection from her violence from the local police force, because if he called them they would arrest him and cause him to miss many days of work at court and therapy.

¹¹⁸ Given that the State Judges here have been shown to be prone to find men to have offshore accounts, then you can argue that the State is not a safe place for a hedge fund to be located or for a married hedge fund manager to be located.

¹¹⁹ Again the court purposefully refused to listen to Mr. Smith's evidence. Mrs. Smith had placed a voicemail call to Mr. Smith at the beginning of the divorce where she threatened Mr. Smith that if he divorced her, she would cause him to lose his job at the bank and that she was going to claim he had offshore accounts. Mr. Smith had ten other disturbing voicemails as well - never heard.

municipal investment agreements for public entities. When his job terminated¹²⁰ in the fall of 2002, his base salary was \$134,000 (Defendant's Exhibits 60-61), plus a bonus for a total of \$154,979.66. In 2002, he received a gross bonus of \$30,000¹²¹ for his performance in 2001. He received a gross bonus of \$45,000 in 2001 for his 2000 performance and \$30,000 — \$35,000 in 2000 for his 1999 performance.

Mr. Smith elected to continue health insurance benefits for the family for eighteen months through COBRA after his termination from BLB on January 31, 2003. The first six months of coverage was paid by court CT Page 8413-by order from the proceeds¹²² of a 401k withdrawal.¹²³

Mr. Smith¹²⁴ supplemented his BLB income by operating TradeSmith in 1997, initially as a sole proprietor¹²⁵ - ship and, commencing in 2000, as a limited liability company. Mr. Smith testified that he discovered a pattern of trading called International Mutual Fund Timing Arbitrage. This strategy takes advantage of the fact that foreign markets are priced at 11:00 a.m. and the prices are stale by 4:00 p.m. when the US market closes. The International Mutual Fund Timing Arbitrage takes advantage of the foreign stale prices and the fact that the foreign market is correlated to the US market. The Defendant discovered this strategy by his own research in 1966 on the Bloomberg system. Mr.

¹²⁰ The court incarcerated him in October of 2002, a full year had passed since the September 2001 (911 for the family) \$2,500 a week order. Mr. Smith only made \$1,500 a week. The bank had received a garnishment order for the \$2,500 a week. The bank did not know what to do so they sent the order to their outside counsel, the outside counsel made a determination that only 60% of Mr. Smith's paycheck could be paid as per Federal Law. Worked at his job right up until incarceration, and was then fired after incarceration.

¹²¹ All of these bonus figures are inaccurate. BLB was like a state bank and paid very low bonuses. BLB paid the regulators hoped the banks would after the 2008 recession. The courts in Connecticut found low paying bonuses for bankers to be grounds for incarceration. Suggesting that some the only few bankers incarcerated for the banking crisis was for not earning enough bonus. A decision coming from the most narcissistic county in the country Fairfield County.

¹²² Mr. Smith with a degree in finance was taught that withdrawing funds early from a 401k was very bad and would greatly damage your retirement savings. Tax deferred funds are typically considered about 3 times more valuable than regular funds because of the ability to earn income tax deferred for a long time. So every dollar the court withdrew was causing about triple damage.

¹²³ After the court had caused the loss of Mr. Smith job, the court then stated destroying his retirement funds to pay for health care benefits for the child. By ordering Mr. Smith to pay more than he made they had destroyed the child's health insurance. Mr. Smith had asked the court not to be destructive in the following motions, two appeals, the motion for reargument, the motion to stay, and the motion to modify.

¹²⁴ The book, Understanding the Borderline Mother, page 185, states "Emily's father worked two-jobs in order to support his family. Like a martyr, he never complained.... As she grew older, however she grew disillusioned and wondered why he failed to protect her and her siblings from her mother's abuse"

¹²⁵ Mrs. Smith worked for Ian Renert off the books, so if actual fact only Mrs. Smith was not paying taxes at the time, not Mr. Smith. Ian Renert would be the biggest client of TradeSmith and Mrs. Smith had found the client and she acted as a partner and was a partner in the business as a wife. When she said "I am no longer your secretary" that meant she was no longer helping with the business, doing taxes and other paper work. She withheld all of Mr. Smith the he might need to do his taxes. When taxes were done every document had to be recovered remotely. Mrs. Smith would never let you forget that she was the big source of success of TradeSmith, so you could say it was primarily her business. She wanted her commissions immediately to spend. This was a problem as she would spend her portion without holding back funds for taxes. She had a new Audi wagon costing \$48,000 and would only buy new furniture. Mrs. Smith worked for Ian Renert who offered offshore accounts. He would suggest often Mr. Smith get one but Mr. Smith never would. Mrs. Smith is the one who would want one.

Smith claimed that for the strategy to work he had to make frequent trades and claimed that an SEC¹²⁶ letter¹²⁷ and mutual fund rules limiting trading and charging redemption fees eliminated the ability to make a profit by 2001. However, the court notes that Mr. Smith's contract with Aquila¹²⁸ (Plaintiff's Exhibit 108) specifically references this method of trading. Mr. Smith was unable to explain why his contract with Aquila would make a reference to Mutual Fund Timing Arbitrage if it is no longer profitable.¹²⁹

The plaintiff's first client was a friend, Jack Francis. Mr. Smith initially traded his own and Mr. Francis' 401k account using a limited power of attorney. Mr.

¹²⁶ Mr. Smith and Mrs. Smith and Taylor and the dog all went to Boston in 2000 for Mr. Smith to testify as a witness in SEC vs Renert. Mr. Smith told the SEC all about the strategy three years before Elliot Spitzer broke the story in a bigger way. Mr. Smith knew the strategy's days were over then, as well as Mrs. Smith did. Mr. Smith told Mrs. Smith hundreds of times you need to save you money as the opportunity is over. Mrs. Smith instead put in a financial affidavit asking Judge Frankel for \$17,000 a month and claimed on voicemail that she was going to cause Mr. Smith to lose his job and incarcerate him for seeking a divorce. In an email she wrote: "Peace at home or Hell in Court". When Mr. Smith had a company called MFE group with Jim Watson, Mrs. Smith had a grandiose view of her importance in that business as well and felt she should be the President comically, she engaged in endless feuding with the partner Jim Watson, as well as taking money out too fast, and eventually destroying the company. In the case of MFE had had been the partner responsible for bringing in the the big account Peat Marwick, so she never ceased in working that handle. She interfered with and destroyed Mr. Smith's prior jobs and businesses eluding MFE and Ambac. She created a similar mess with MFE and Ambac as she did with TradeSmith and BLB.

¹²⁷ The court refers to a SEC letter but does not cite an exhibit. Why? When Mr. Smith tried to present evidence the court would find excuses to make it inadmissible, saying like it was only an internet printout. While on the other had most of what Mrs. Smith presented and was taken as evidence and was exhibited was from the internet. That which the court had found inadmissible was information about what was securities law, such that the court was finding the law itself not admissible.

¹²⁸ Another company also named Aquila existed at the time. Mrs. Smith placed so many calls to the other company, that the company became aware of the existence of a Aquila Capital Management. So the other Aquila threatened a trademark claim against Mr. Smith boss, creating expenses for him and requiring to change the name of his company. Later on Spitzer's office subpoenaed his company. It was a hopeless business and Mr. Smith knew it was a dead end. Mr. Smith had wanted to stay at BLB instead and would have preferred that the court had not incarcerated his Job to death. The court had demonstrated a preference for a more lucrative and narcissistic business for Mr. Smith to be in. The court turned it's nose up at the low pay of Mr. Smith \$100,000 a year.

¹²⁹ Here the court is taking the position that a business that is illegal for a mutual fund to allow is a source of income for Connecticut alimony payments. This implies that it was Bernie Madoff at her court applying for divorce. The Judge would have found his testimony that he could no longer continue to make money by his hedge fund business by a Ponzi Scheme to be "not credible". and the Judge would prefer the Ponzi Scheme over his brokerage business as a source for determining his earning capacity. The primary factor driving Bernie to engage in the scheme in the first place was probably the huge demands of his narcissistic wife.

Smith testified his TradeSmith compensation was 10% of profits over and above an original 2.5% and later a 3.5% hurdle. He was required to meet the hurdle before being entitled to any compensation and was entitled to the 3.5% above the hurdle. He charged clients on a quarterly basis by sending them an e-mail. On the 401K accounts Mr. Smith managed, he was paid by check; on personal accounts, he could be paid by check or wire transfer into his or TradeSmith's Wall Street Brokerage account. In March 1999, Mr. Smith began trading the following accounts personally:

1. IRA account for Frank Carlton with \$600,000 to \$1.2 million (10% fee structure);
2. 401k account for Charlene Maniatis with a balance of \$400,000 (10% fee structure);
3. Lancaster Fund, precursor to the Churchill Fund, an off-shore international business corporation (IBC). Churchill was a \$3 million account (15% fee structure with no hurdle). Churchill was eventually placed in receivership by the Bahamian government. Lancaster and Churchill were entities created by Ian Renert, currently under investigation by the SEC; CT Page 8413-ca
4. Jack Francis 401K (\$2 million);
5. Francis Trust (\$600,000); and
6. Jack Francis Personal account (empty by 2001).

Mr. Smith had a limited power of attorney for Trade- Smith's clients including:

1. Ralph Lim (401k account with \$200,000-300,000);
2. Paul Littell (\$400,000, 20% no hurdle);
3. John Lang (\$2 million, 1% management fee, 2.5% hurdle, 20% profit above high water mark);
4. Bernier Account;

5. World Mark account (value \$1 million at the start, 1% management fee, 20% profits above high water mark);

6. Mozart account; and

7. KFA Fund (an Ian Renert vehicle)

The Plaintiff estimated he earned the following amounts from TradeSmith:

- a. Jack Francis 401k and personal accounts: Plaintiff made \$1.6 million and estimated he was paid a total of \$150,000 between 1998-02;
- b. Francis Trust: Plaintiff estimates he increased this account from \$600,000 to \$750,000. He claims to have been paid \$15,000;
- c. Carton: beginning balance \$600,000 and high water mark \$1.3 million. The plaintiff was paid roughly \$20,000 per year or a total of \$50,000;
- d. Maniatis: this account increased from \$400,000 to \$425,000 and the plaintiff earned \$5,000;
- e. Churchill Fund: Mr. Smith testified he was paid \$400,000 in 1999;
- f. Lim: initial investment of \$300,000 increased to \$325,000 plaintiff CT Page 8413-ca earned \$5,000;
- g. Mozart Fund: Plaintiff earned \$21,000;
- h. Littell: Plaintiff earned \$10-20,000;
- i. Bernier/Lang: Plaintiff earned \$20,000;
- j. World Mark: Mr. Smith testified he earned \$5,000; and
- k. Lancaster Fund: Plaintiff testified he earned approximately \$36,000.

The plaintiff's own testimony indicated that he earned an additional \$717,000 to \$727,000 between 1998 and

2001. If a TradeSmith client had an account at Wall Street Discount, Mr. Smith would be paid his fees by an internal transfer to his or TradeSmith's Wall Street Discount accounts.

Mr. Smith was unable to offer any rational explanation as to what happened to this money. He claimed that the family was living beyond his salary and this money funded their lifestyle. However, he offered no proof of lavish spending before the beginning of the divorce that would account for this amount of money. Additionally, at the same time Mr. Smith was earning substantial money from TradeSmith the couple refinanced their home and added \$60,000 to the mortgage principal to pay off high interest credit-card balances.

The court carefully examined the plaintiff's tax returns for the years he was operating TradeSmith. In 1997, his Schedule C shows \$1,300 in gross receipts. (Defendant's Exhibit A.) In 1998, Mr. Smith's Schedule C shows \$18,645.00 in gross receipts (Defendant's Exhibit B). In 1999, the plaintiff's Schedule C shows \$132,541.00 in gross receipts from TradeSmith. In the plaintiff's 2000 tax return¹³⁰ (filed in 2003 as married, filing separately), reports \$198,225 in gross business receipts. In 2001, also filed married filing separately in 2003, he reported \$53,000 in gross receipts from TradeSmith. Mr. Smith testified he earned \$5,000 in gross receipts from TradeSmith in 2002. In total, before deducting business expenses, the plaintiff reported \$408,711.00 to the IRS in gross business receipts while testifying at trial that he earned between \$717,000 to \$727,000. It appears to the court that the husband failed to report approximately \$308,000 to \$318,000 in gross receipts to the IRS. The court was offered no evidence as to the whereabouts of these unaccounted monies.

Mr. Smith's friend, Jack Francis, testified about the international CT Page 8413-cb arbitrage Mr. Smith performed for his accounts and also testified that the trading method is no longer viable. He estimated that he paid the plaintiff commissions in the range of

\$150,000 — \$160,000 over the period of time the plaintiff traded his accounts. Mr. Francis testified that he made two undocumented loans to the plaintiff. The first was for \$29,000 in October 2001 and the second in March 2002 for \$3,500. Mr. Francis admitted the loans carry no interest, have no due date and are not in writing. Mr. Francis did prepare a letter regarding the loans in October 2002 when the plaintiff was incarcerated. (Plaintiff's Exhibit 53.) He admitted to feeling "a little beholden" to Mr. Smith as a result of all the money he made for him but claimed his checkbook was not open to the plaintiff. Mr. Francis had no idea that the plaintiff was nearly \$500,000 in debt or that he had consulted a bankruptcy attorney. During the hearing before Judge White in July 2002 the plaintiff testified that he received \$20,000 from Mr. Francis as a gift¹³¹. When questioned about the discrepancy in his testimony, Mr. Smith claimed he wasn't sure if the initial money was a loan or a gift and could offer no explanation for the difference in amounts.¹³²

Mr. Smith's initial financial affidavit filed in connection with this action, dated 6/13/01, lists liabilities of \$56,600.00¹³³. (Defendant's Exhibit N.) The plaintiff's financial affidavit filed at the time of trial lists almost \$500,000 in debt¹³⁴, a substantial increase in two years¹³⁵. In early 2001, Mr. Smith appeared to be on a frenzied

¹³¹ Mr. Smith is just borrowing money trying to find his way to a motion for modification. The July 2002 motion for modification they found that there was no reason for a modification when the real point of modification was before the case started in 2000 when Mr. Smith went to the SEC in Boston. The defendant's attorney gave reasons like the Plaintiff had a tax refund coming for why he could pay alimony, whereas Mr. Smith still had not refund coming from 2000 or 2001 as late as ten years later. The defendant's attorney alleged that the Plaintiff's 401k going up was a reason that he could pay, whereas brokerage account mutual fund trading accounts had already stopped mutual funds trading but at that point some 401k were still allowing it. The plaintiff prior to July 2002 had asked the management of BLB to allow him to take out money to pay his alimony. The plan did not allow any money to be taken out beyond a loan so Mr. Smith could not have paid his alimony that was above his paycheck with 401k funds and the fund was already maxed out for loans.

¹³² The amounts are probably clear in the prior court documents, why is the court making up discrepancies that could be addressed in the prior court. There is a great deal of inaccurate data here.

¹³³ This was the level of debt at the time of the completion of the family psyche eval, and his the point in the case when a responsible court could have settled and ended the case, Mr. Smith when he put in his motion to stay and appeals noted the danger of irreparable harm that would be done if the order was not stayed immediately. So the rise in debt is actually the amount of damages for Mr. Smith to collect in a civil rights case.

¹³⁴ The Connecticut State Attorney's office had made a recommendation to the courts at that time that the court was supposed to not allow one party in a divorce to exact vengeance on another party. The State Attorney's office also requested that the courts listen to Pro Se parties. After the Dec 2001 hearing failed Mr. Smith did not have enough money to hire an attorney. After incarceration the court requested that the Plaintiff get an attorney, thus forcing an attorney on him running up his legal fees another \$100,000 etc.

¹³⁵ The case is shocking in its destruction. This is just an indication of the degree of destruction in the case. Note that the Plaintiff probably was just counting his tax liabilities. Mr. Smith was already out of money as early as Sept 2001 he was hoping for relief from abuse at that trial not incarceration. Mr. Smith had to borrow right away \$50,000 from his mother (the court was making her be an offshore account). There was a hearing in Dec of 2001 before Judge Frankel where it was made clear to her that Mrs. Smith was borderline and she had a criminal case regarding the church flyer. In December of 2001 Mr. Smith was offering what really was a generous offer to settle the case which was \$4,000 a month plus 50% of the TradeSmith income. Mr. Smith could not pay a fixed amount \$10,000 a month from variable income while he was only making \$6,000 a month fixed all at the same time endangering his only secure job. The court only countered with \$7,000 a month which was still too much. Remember mutual fund timing with Spitzer was on its way out. The court response was just to say "if he has offshore accounts she gets the whole house and 401k." Mr. Smith said in his appeal it is impossible to settle with a borderline. If Mrs. Smith was getting \$10,000 a month and she was narcissistic to you think one could negotiate with her?

¹³⁰ The Plaintiff could not file his tax return jointly because the defendant would not sign.

mission to rapidly increase his debt while at the same time failing to pay his bills¹³⁶. Mr. Smith claimed that the debt was incurred due to the unreasonable court- ordered support. He also claimed that he used credit- card cash advances to pay his support. However, he offered no evidence of cash advances used to pay support.

Mr. Smith violated the automatic orders by increasing his liability ten fold without court permission¹³⁷. The plaintiff made an unauthorized loan in the amount of \$30,000 in May 2001 after this action was commenced. Additionally, Mr. Smith withdrew \$20,000 from his 401K in February 2001 (Defendant's Exhibit CM) and misappropriated the proceeds from a court authorized \$9,000 withdrawal in July 2002. The withdrawal

had been permitted by the court to pay the retainer of the Attorney for the Minor Child. Instead, Mr. Smith unilaterally decided to pay his wife \$7,500 towards his support arrearage and retained \$1,500 for his personal use¹³⁸.

Despite the fact that Mr. Smith claimed his trading strategy no longer worked after 2001 his personal 401k continued to grow from \$638,831 on 9/21/01 to \$1,026,386.15 on 7/16/02¹³⁹. (Defendant's Exhibits DA, CZ, CV, CL, CS, CP and CU.) At the same time Mr. Smith increased his 401k by \$400,000, his debt was increased by the same amount. Despite the fact CT Page 8413-cc that Mr. Smith substantially increased his own 401k from 2001-02, he claimed it would be illogical for the court to conclude he could do the same for his clients' accounts. The plaintiff claimed that he only received \$5,000 in income from TradeSmith in 2002. The court does not find this testimony credible.

Defendant's Exhibit CJ is a copy of Mr. Smith's Trade- Smith LLC's Wall Street Discount brokerage account statement showing a balance of \$144,639.00 as of 9/ 29/00. Mr. Smith claimed this money was used to pay his parents back the \$60,000 "gift" for the down payment on the family home and for family expenses because the family was living beyond his salary from BLB and TradeSmith income. However, Mr. Smith failed to produce any documentation to prove this claim after repeated requests for disclosure from the defendant and a court order during the trial. The credit card statements were either not produced or contained large gaps of time. The credit card information that was available clearly demonstrated that Mr. Smith was the big spender¹⁴⁰ in the family. The same month the electricity was turned off at the family home¹⁴¹, the plaintiff spent \$300 at Mario Beducci Skin Care Salon for massages. Exhibit EF is an AMEX statement for May 2001 with a charge of \$752.60 for a watch Mr. Smith testified he purchased for his son because he was Henry Ford in a school play and needed it as a prop. Defendant's Exhibit EG, VISA credit card state-

¹³⁶ Mr. Smith never received a single penny of his \$1,100,000 401k thought out the life of the divorce and the entire 401k was run into the ground by the end of the divorce. It is commonly known that a borderline or narcissist will continue their attacks up until everything is gone, then they might leave you alone and you have to hope that they find a new target.

¹³⁹ A 401k growing to over a million dollars indicates that Mr. Smith was more of an extreme saver rather than a extreme spender for anyone who is not seeing things backwards.

¹⁴⁰ All the negative statements about Mr. Smith can be seen as just being "Doubletalk" or projection. Gardner., page 177 "Again, the projective process may be operating in that the deficiencies attributed to the father may be projections of the mother's own defects. One PAS mother bitterly complained about her husband's free wheeling attitude regarding spending money, so much so that the children were led to believe that they were ever on the brink of poverty and starvation. Yet, she was a very materialistic woman herself, a compulsive shopper, someone who was ever indulging herself in purchases of extravagances and unnecessary items. In fact, prior to the separation both she and her husband had been swept up in a life of conspicuous consumption. After ht separation, however , she hypocritically criticized her husband vociferously for his extravagances. We see her yet another example of the projection process at work, i.e., criticizing her estranged husband for qualities that very much exist within herself. We see here a good example of "the pot calling the kettle black", which is yet another example of the process of projection.

¹⁴¹ Mrs. Smith would have let it be turned off on purpose as a strategy to gain sympathy That is thought to be a standard manipulative strategy used by unsavory attorneys.

¹³⁶ Naturally after being ordered to pay more than he made, he could not pay his own bills. Mr. Smith had had an excellent A credit rating. The rating agencies and creditors where in shock as if Mr. Smith income had fallen off a cliff.

¹³⁷ Mr. Smith was not able to do anything without the court's permission. If there was a discrepancy why would they not have done something then. All those 350 motions that accumulated in the case is mostly about taking more and more money to pay child attorney and child guardian bills, etc. Mr. Smith never was awarded anything for his own use.

ments; shows that the plaintiff spent \$1,375 on clothing for himself.

Mr. Smith produced incomplete documentation of his AMEX credit card charges, only a portion of his BMW charge card statements, and only two Saks statements. The Discover card statements contained large gaps as did the CHOICE credit card, US Bank credit card and MBNA credit card. Additionally, Mr. Smith failed to produce complete documentation of his Wall Street Discount accounts in his name and TradeSmith's name. He also failed to produce any business records for TradeSmith to verify that the business expense deductions were legitimate or if he was running his personal expenses through the company. The plaintiff claimed he turned over all the documents he had but made no effort to secure the missing documents from the respective sources. The court finds that Mr. Smith deliberately concealed this information from his wife and her counsel, making it impossible to track his TradeSmith income and expenses and his credit card spending. The court therefore finds that all the credit card debt listed on the plaintiff's financial affidavit is solely his debt.

The court file is replete with Motions for Contempt for Mr. Smith's failure to pay the unallocated support ordered on September 25, 2001. As previously noted, Mr. Smith was incarcerated in October 2002 for failure to pay court-ordered support. Mr. Smith admitted at trial that he had CT Page 8413-cd failed to pay any support since the end of January 2003 when an arrearage payment was made via a 401k withdrawal.

Mr. Smith admitted he had consulted with a bankruptcy attorney and believed that 401k funds were generally protected from bankruptcy.¹⁴²

Mr. Smith demonstrated his knowledge of the Automatic Orders when he testified that the defendant withheld visitation from him in violation of the automatic orders. In addition he sent his father¹⁴³ an e-mail (Defendant's Exhibit AP) telling him that it would be easier to pay the debt he owes him when no divorce is

pending due to the automatic orders. His repeated violations of the automatic orders are more reprehensible given his knowledge of the orders.¹⁴⁴

Mrs. Smith testified that during the latter part of the marriage her husband convinced her to transfer balances from his high interest credit cards to cards in her name alone with an initially lower interest rate¹⁴⁵. It is clear to the court that the plaintiff used the alleged reconciliation period from the 1999 divorce to the 2001 action to his financial advantage. The plaintiff utilized his financial skills to deplete and siphon marital assets and substantially increase the debt.¹⁴⁶

Mr. Smith hired a law firm, Seward and Kissel, to prepare the documents for a hedge fund named Grand Acacia Capital Management Ltd. (Defendant's Exhibit CD.) It was to be a Delaware corporation located in the Grand Cayman Islands¹⁴⁷ to operate as an offshore hedge fund. Defendant's Exhibit CE is an invoice for the preparation of the documents and shows a \$10,000 retainer paid and a \$5,000 balance due¹⁴⁸. Mr. Smith insisted that the Grand Acacia fund was never established.

Additionally, Mr. Smith¹⁴⁹ met with a consultant from the Bahamas for advisory services in setting up an international business corporation as a trade vehicle, for a foreign entity. (Defendant's Exhibit DI.) The Plaintiff claimed he was interested in creating a trading vehicle in the Bahamas in the event the Churchill Group came out of

¹⁴⁴ Mrs. Smith had violated automatic orders when she did not provide Mr. Smith with any visitation at all during the first six months of the case. The court did nothing about this. Mr. Smith had to go to India with Mrs. Smith to get any time on vacation with his son. In India Mrs. Smith wanted to get the assistance of Rajinder Singh to convince Mr. Smith not to get a divorce. Mrs. Smith would end up betraying Rajinder Singh, a saint. Showing she is capable of denigrating anyone.

¹⁴⁵ This is crazy stuff. As if a Judge just stating it somehow makes it true. This would not have happened must be the opposite.

¹⁴⁶ The court complains of the debt on one hand and then complains of him paying off debt as being siphoning off assets. The so-called reconciliation agreement that the court sometimes refers to and other times rejects - the first one in the agreement states "Simplicity", a word that came from Mr. Smith not Mrs. Smith. The agreement also has much to say about the need to pay debts and taxes, something that Mrs. Smith did not care to do while she worked for Ian Renert off the books.

¹⁴⁷ A Delaware corporation can not be located in the Cayman Islands. A professionally created offshore hedge fund has the investor funds located offshore with payments of performance fees to the onshore managers account in Delaware. This is actually proof that if Mr. Smith had had a hedge fund his account was to be onshore and is supporting evidence he was following legal advice and had no offshore accounts.

¹⁴⁸ Also a hedge fund with a legal fee due is not likely to have been started and planned to be started, it looks more like an abandoned project, abandoned way back then because of lack of prospective value.

¹⁴⁹ Mr. Smith went to the Bahamas with Mrs. Smith and Taylor, and spent money primarily on Mrs. Smith and Taylor for vacation, while not getting any accounts. If Mr. Renert's accounts were already in receivership and under investigation by the SEC then there is nothing to trade. Why would Mrs. Smith have all this information either she is a partner in the business or she is extremely snoopy. Mrs. Smith worked with Ian Renert, She would not let you forget it was her account and she found it and had to be paid for it. The only big account Mr. Smith had was the Renert accounts which stopped trading already in early 2000 long before the divorce stated. If Mr. Smith is to have an offshore account in the Bahamas, then why would be setup a hedge fund with a Delaware entity designated as the manager, because Mr. Smith if he was to do anything would choose Cayman Islands. Though the whole thing is much ado about nothing. The court wasted \$2,000,000 about the nothing. It would seem the court has no financial skills.

¹⁴² Bankruptcy would not be appropriate as first the court's evidence of offshore accounts would have to be checked by the FBI and the IRS. If the Plaintiff did not have offshore accounts then he would be a victim of fraud owed damages and bankruptcy would not be appropriate.

¹⁴³ In fact the father's bank was saying the loan is not a long term loan and a lot of time has already passed since the purchase of the house it is time to repay the loan. The court is both denigrating the Plaintiff for paying back debt as well as running up debt.

receivership and started trading again. Mr. Smith identified Defendant's Exhibit AQ as account forms completed by Ian Renert or Nancy Lake for the KFP fund. Curiously, the user name for the account was Divorce I and Divorce 2¹⁵⁰. Mr. Smith claimed that Ian Renert chose the names despite the fact that he (Renert) was not going through a divorce. Defendant's Exhibit AX is an e-mail the plaintiff received from Mr. Renert providing advice on how to set up an offshore bank account.¹⁵¹

The Plaintiff denied that he held money in off-shore accounts despite the evidence above. He admitted that

he had conversations¹⁵² with Ian Renert¹⁵³ CT Page 8413-ce about establishing off-shore accounts and trusts but claimed he never followed Renert's suggestions.

The court finds that the plaintiff's testimony regarding his employment¹⁵⁴ was deliberately misleading and incomplete. The court finds that the plaintiff has demonstrated an earning capacity in excess of \$150,000¹⁵⁵ and has based the award of alimony, child support and property settlement on that earning capacity.

The court also finds that the plaintiff deliberately and intentionally disposed of marital assets just prior to and during the pendency of this action. The plaintiff has failed to account for the income, testified to under oath, that he earned from his TradeSmith LLC. There is a \$300,000+ discrepancy between his testimony and what was reported to the IRS on his income tax returns.¹⁵⁶ The plaintiff failed to comply with the legitimate requests for production of documents by the defendant in an attempt to conceal his true income, assets and expenditures. During the course of this action, the plaintiff increased his debt from \$50,000+ to almost \$500,000 in two years. At the same time the plaintiff was spending money lavishly, he repeatedly failed to pay unallocated support and alimony. As a result, sums were removed from his 401k to support his wife and child¹⁵⁷. The plaintiff violated the automatic orders by withdrawing and taking loans from his 401k account without court approval or the consent of the defendant.

¹⁵² Mr. Smith had conversations with New York Securities Lawyers with professional skills in the area and decided not to have offshore accounts.

¹⁵³ When you manage money for someone you might listen to all kind of things if they are a client. That does not mean you do what they suggest.

¹⁵⁴ At the beginning Mr. Smith testified that he worked at Bayerische Landesbank and that everything else was a waste. The court altered Mr. Smith's career by firing him from his job via incarceration.

¹⁵⁵ Bizarrely, the court calls his BLB income his earning capacity after it has already fallen to \$100,000. The court had already incarcerated to death that job with the benefits and child's health insurance. The court contradicts the prior Judge the prior Judge Frankel had rejected the bank income in favor of a mysterious higher trading business income as a larger narcissistic supply source. By wanting Mr. Smith to work two jobs simultaneously instead of Mr. Smith working one while Mrs. Smith worked one, they destroyed both of Mr. Smith's jobs.

¹⁵⁶ You can't compare revenue with net income as if you can just ignore expenses. A new business spends money to develop a new business. Just because a business fails known after the fact that does not mean business development expenses were wrong. In a similar fashion when Mr. Smith made only \$120,000 a year, why did the court order \$10,000 a month alimony when his take home income was only \$70,000.

¹⁵⁷ Mr. Smith's 401k was provided by Bayerische Landesbank. The court took money from the Plaintiff job which when the Plaintiff described to the court in Sept 2001, the court found it to "not be credible". Mrs. Smith and her co-conspirators were paid via funds from the job that he had which they had worked to find not credible. They were paid by his 401k funds for alleging he had offshore accounts and a greater income from mutual fund timing which he denied. That is being paid for lying and finding something illegal to be credible.

¹⁵⁰ This is the kind of nasty stuff Mrs. Smith was feeding to Judge Frankel during her campaign of denigration during the trial of September 2001, the trial would prove to be the 911 for the Smith family as well noting the timing. This kind of material was setting Judge Frankel into a rage, she became very abrasive with Mr. Smith's attorney, John Jowdy and would not let him speak half the time. At this point she was thinking "maybe incarceration". Note that Mrs. Smith's exhibits were emails. In Mr. Smith's case the court liked to say that email or internet printouts were not admissible.

¹⁵¹ If Mr. Renert was under investigation by the SEC would he seem like a good source for advice on how to setup an offshore account.

The plaintiff's attempts to mislead¹⁵⁸ the court during all of his testimony (both on custody issues¹⁵⁹ and financial issues¹⁶⁰) unnecessarily prolonged¹⁶¹ the trial¹⁶² and substantially added to the legal fees¹⁶³ in this matter.¹⁶⁴

The court is convinced that the plaintiff's claim for sole custody¹⁶⁵ was not made in good faith but was merely an attempt to save money¹⁶⁶ on child support and tuition. At no point in the proceedings did *any* professional (Dr. Colen, Dr. Cohen or Leslie Raider) recom-

¹⁵⁸ The plaintiff tried to correct the misleading of the court by the defendant. The defendant had directed the court in a diversionary maneuver to focus on whether the plaintiff had offshore accounts than on the fact that she had borderline personality disorder. The court obstructed justice so that it could maintain its original view that the Plaintiff was not credible. It is not clear how a "not credible person" can have any earning capacity in money management? The court is just reversing and mimicking the things that the Plaintiff claimed would happen if the court did not stay or modify the orders and quickly. The Plaintiff as early as the first motion for modification to the alimony had claimed the case was "one of the most mismanaged borderline divorces in history" (see the motion for modification). In the first appeal the Plaintiff insisted that the case could not be settled on any reasonable terms as the defendant was not reasonable and would never lower the settlement amount which was not sustainable. And the order to "be alone" was bizarre and absurd it is like saying someone can drive a car but can never make a left turn.

¹⁵⁹ Susan Poll, the child's attorney is largely to blame for the long case. She was the only attorney in the case from the beginning to end. She was fully aware from the psyche eval report that the defendant was borderline. She could have jumped up at anytime in the court and screamed the mother was borderline. She also is responsible for the application of absurd ordering like the "father must be alone" with the child. Orders like that which are impossible only extend the case.

¹⁶⁰ A financial order that is too high and is not sustainable can only extend the case because the case can not settle.

¹⁶¹ One Judge claimed the mess created by the case was the fault of the Plaintiff because he did not appeal, that is appeal this decision, indicating they expect him to even continue the case longer.

¹⁶² The case could not settle early the lowest settlement the defendant ever reached was \$6,000 a month still at 100% of the Plaintiff's base salary and the custody was not normal.

¹⁶³ The Connecticut Attorney General had a recommendation that the court should not allow one party to inflict vengeance on the other party in divorce cases and the court should also take pro se cases more seriously. After the Plaintiff was incarcerated (while the court was testing if he had offshore accounts), the court demanded he get an attorney which was what actually greatly increased the legal fees.

¹⁶⁴ "No one is more hated than he who speaks the truth" Plato. This decision reads more like a hate crime This court worked to cover the errors of other Judges and showed no real interest in the truth and at every possible point obstructed Justice. Mrs. Smith and her attorneys and the Judges are responsible for the destruction in this case fully.

¹⁶⁵ The severity of Mrs. Smith personality disorders was a significant risk to the child as well as clearly endangering permanently the father's relationship with the child. All the campaigns of denigration by Mrs. Smith seen in this case had to be also occurring with the child. Christine Lawson was so concerned she recommended boarding school. It is a sad fact that the custody case was neglected because of the diversion created by the offshore and mutual fund timing claims (much ado about nothing). The defendant had conducted a successful diversionary maneuver. Technically the Plaintiff was so financial crippled you could say the custody case was actually obstructed. The defendant was creating chaos and constantly interfering with visitation.

¹⁶⁶ Almost two years had passed since Mrs. Smith had alleged Mr. Smith had offshore accounts and created havoc in his career. Gardner writes page 233, "invoking a series of vengeful maneuvers against the hated spouse, this argues the presence of a PAS in that the disorder is, in part, a derivative of such vengeance. A mother, for example, might be trying to wreak vengeance on her husband in the financial realm or, on occasion, by accusing him of sex abuse in order to bring about his social, financial, and professional destruction and even incarceration"

mend that the plaintiff have sole custody of the minor child. It should have been clear to the plaintiff well before trial that his quest for sole custody would be unsuccessful¹⁶⁷. It is clear to the court that the plaintiff is barely capable of taking care of himself¹⁶⁸ and certainly not capable of raising a child alone. Finally, the conduct and testimony of the plaintiff during the course of these proceedings did not demonstrate he has the moral character¹⁶⁹ fit to raise a child. However, he is Taylor's father and the child desperately needs him in his life. It is the hope of the court that Mr. Smith will step up to the plate¹⁷⁰ and take on the responsibilities of being a father. That means, in simple terms, that he must be physically and mentally present during his visitation with his son. He must focus on CT Page 8413-cf the child's needs and not his own. He must learn basic parenting skills so that the child is picked up on time, fed and entertained in an age-appropriate manner. In essence, he needs to begin behaving like a responsible adult and parent.

The court finds that the behavior¹⁷¹ of the plaintiff as described in detail above was the cause for the breakdown of the marriage.¹⁷²

ORDERS

¹⁶⁷ The Judge claimed at the very beginning of the case that the case was lost by saying that this case was not like another one. (one rare other case where the father one). The case was biased or corrupted from the beginning.

¹⁶⁸ Whose fault would that be the court caused the loss of the father's job and destroyed his career.

¹⁶⁹ Determining who has moral character does not seem to be the role of a Judge and would be subjective anyways. The Judge should be determining fact from fiction rather than trying to rationalize the court's actions. Moral depends on one's actions. Already the Judge has denigrated a Saint which is not a good sign of good moral judgement. Note that it is here the Judge that is declaring the illegal credible and making a false conviction. The Judge is displaying the type of moral judgement that leads to the societal effects of Sandy Hook as here we have a mother teaching a child hatred as in the father's day card where the father and his girlfriend are sent to the graveyard and the Mother is given a giant alimony payment such that she has the idle time and cash to take up the hobby of the shooting range. I think here we can find the root source of crime. This decision itself is an example of the negative thinking behind hate crimes and racial bias. The famous father's rights attorney from Chicago, Jeffery M. Leving commented "I don't know what is wrong with Judges in New England" as he had observed a pattern occurring in the East of absurdly high alimony judgements. People from the midwest can not understand the East coast and it's cost of living which appears about ten times higher. Mothers in Ohio were getting like \$250 a month child support it would be hard for them to understand \$2,500 a week. It appears that the East Coast had made a switch from the Salem witch trial from abusing women to abusing men.

¹⁷⁰ What does "step up to the plate" mean that is a phrase used by the defendant. Before the decision was received by the Plaintiff there was disturbing information leaking from the Defendant attorney to the Plaintiff's attorney that indicated the defendant attorney was privy to the decision before the Plaintiff was. The only remaining way to step up to the plate is to give the case to the FBI, IRS and Federal attorney and the press.

¹⁷¹ Again the court is just saying the reverse of what the Plaintiff claimed as if it can manufacture an alternative fact. The facts are that the Plaintiff moved out and requested a restraining order, then repeated over and over and again that it was important that the court not interfere with his job at BLB. The defendant's behavior was to allege that the father had offshore accounts and income from a cheese factory on the moon (mutual fund timing). The marriage may have never been any good because of the defendant's personality disorders. The defendant was way to physically violent to live with, all the calls to the police were "I hate you don't leave me calls" where the defendant attacked the plaintiff in the garage has he tried to leave at times she would lie behind his car at other times she would take the keys to the car. You could say she forced him to have to buy another car because of this.

¹⁷² It is confusing to read this decision and to read that Connecticut is a no fault divorce state. This document is a long expensive borderline campaign of denigration and fault finding of the Plaintiff.

After considering all of the statutory criteria set forth in General Statutes § 46b-84 as to support of a minor child, § 46b-215a-1 et seq., Regs. Conn. State Agencies, as to child support, § 46b-62 as to counsel fees, § 46b-66a, as to conveyance of real property, § 46b-81, as to assignment of property and transfer of title, § 46b-82, as to the award of alimony, § 46b-84, as to medical insurance for minor child, together with applicable case law and the evidence presented here, the court hereby enters the following orders:

1. DISSOLUTION OF MARRIAGE:

A decree dissolving the marriage, on the grounds of irretrievable breakdown, shall enter on July 15, 2003.

2. CUSTODY:

The defendant mother shall have sole custody of the minor child¹⁷³, Taylor Smith, subject to the plaintiff father's rights of visitation as set forth below. The defendant mother shall be responsible for decisions on major custodial issues such as those concerning the health, education, and religion of the minor child. The mother shall inform the father in writing, by fax or e-mail, of all such decisions in a timely manner. Both parents shall be entitled access to records concerning the minor child, including but not limited to health and educational records.

3. VISITATION:

Plaintiff father shall have **no overnight visitation**¹⁷⁴ with the minor child at this time.¹⁷⁵ The father shall have visitation with the minor child on Tuesday evenings each week from 6:30 p.m. until 8:30 p.m., during which time the father shall provide the minor child with an appropriate dinner,

The father shall also have visitation with the minor child on alternate weekends on Saturdays from 11:00 a.m. until 5:00 p.m. If the minor child CT Page 8413-cg is involved in a swim meet that begins at or before 11:00 a.m. on any such Saturday, the mother shall transport the child to the swim meet and the father's visitation shall begin upon completion of the child's participation in the meet. The parties shall be reasonable and flexible in adjusting the days and times of the father's visitation in order to accommodate the child's extracurricular activities, birthday parties, and play dates with friends.

The minor child shall spend holidays and vacations with the mother, except that the father shall have visitation with the minor child on Father's Day from 11:00 a.m. to 5:00 p.m. as well as some time on both the father's birthday and the birthday of the minor child.

The plaintiff father's visitation shall not include any friends of the father unrelated to the minor child¹⁷⁶ until further order of the Court or written agreement of the

¹⁷³ Here the court is giving sole custody to the mother when most experts in significant PAS cases see the only solution to give sole custody to the targeted parent.

¹⁷⁴ No overnight visitation and no weekends and no vacations is just a nasty abuse of power and is not justified by any facts. It is only applied in retaliation for appealing the case. Of course appeal had been made necessary when the court found the plaintiff to have offshore accounts etc. The Plaintiff's behavior is essentially to appeal when the court finds him to have offshore accounts and to have earnings capacity from an illegal business.

¹⁷⁵ At this time implies that the court is taking responsibility to making the case even longer. This suggests that the father has to continue going to court almost forever this is after two and half years. Later another Judge said it was the Plaintiff's fault for not appealing, that is this decision. The case would continue up to 350 motions.

¹⁷⁶ Here essentially the court is doing what the Jamie Rosedale church flyer asked for in Dyane's criminal case. Preventing other women from being around Taylor. The Judges would be the only so-called Christians that actually responded positively to the church flyer.

parties, as the minor child is not comfortable being in this situation at this time in his life.

All communication between the parents regarding the minor child shall be via facsimile or e-mail until further order of the court or written agreement of the parties.

The father shall notify the mother at least two days before any visitation time by fax or e-mail if he will be unable to visit with the minor child. The father shall at all times pick up and drop off the minor child for visitation at either the child's place of extra-curricular activity (such as swimming) or at the mother's home, with such place to be designated by the mother based upon the child's schedule. Such shall be provided to the father in writing by fax or e-mail at least one day prior to the visitation, except in the case of an emergency such as illness of the child. Under no circumstances shall the minor child be required to wait in any location other than the mother's home for more than fifteen minutes if the father is late. If the father is more than fifteen minutes late, the visitation shall be canceled and no make up visitation shall be required.

The mother shall provide the father with notice of all school events and extracurricular activities involving the minor child, and the father shall be entitled to attend these and other public and major functions involving the minor child (unaccompanied by a person unrelated to the minor child). If there are any tickets for any such event, these shall be shared equally between the parties, with each paying any cost for his/her own ticket(s).

The father shall be entitled to reasonable telephone contact with the CT Page 8413-ch minor child (one call per day) but not later than 8:00 p.m. on each non-visitation day.

All arrangements for visitation shall be made directly between the parties by fax or by e-mail and shall not involve the minor child.

At no time shall the father's visitation with the minor child take place at the mother's residence unless the parties specifically agree that this would be in the best interest of the minor child.

In the event the mother agrees to visitation in the family home, the father shall not bring any third parties or animals into the home. If the father is providing a meal for the minor child, he shall place the garbage in a trash receptacle or bring it to his car for later off-premises disposal.

Each party shall keep the other reasonably informed of the whereabouts of the minor child while in his/her care. In the event of an illness or personal injury to the minor child, the first party to learn of such illness or injury shall notify the other immediately. The word "illness" shall mean any sickness or ailment that requires the services of a physician. The word "injury" shall mean any injury that requires the services of a physician. During any illness or injury, the father shall have the right of reasonable visitation to see the child if the child is ill during his regular visitation time.

The parties shall be flexible in arranging visitation in order to promote the best interests of the minor child. In matters concerning visitation, each party shall endeavor to further the best interests of the minor child and facilitate close ties between the minor child and the other party. Neither party shall arbitrarily hinder nor interfere with the relationship of the minor child with the other party, and each party shall contact the other to discuss the visitation arrangements with as much advance notice as is reasonably practicable.

Each party shall exert every reasonable effort to maintain free access and unhampered contact between the minor child and the other party. Neither party shall do anything which may estrange the minor child from the other party or which may hamper the free and natural development of the minor child's love and respect for the other party.

Each party shall be entitled to all information from any physician, dentist, consultant or specialist attending the minor child, and to be furnished with copies of all reports given by such professionals. Each party shall further be entitled to all information from any teacher or CT Page 8413-ci school giving instruction to the minor child, and to be furnished with copies of all reports and documents (which shall also include notices of parent meetings, school performances, extra-curricular activities and the like) given by such teacher(s) or school(s). Each of the parties will furnish the other copies of any reports in the possession of the party, from such third persons or institutions concerning health, education, or welfare of the child.

Each party shall keep the other informed in writing of his/her place of residence, place of employment and telephone numbers within twenty-four (24) hours of any change during the minority of their child. The mother shall notify the father, in writing and by certified mail (return receipt requested), of her intention to move the residence of the minor child more than fifty (50) miles from its current location. Said notice shall be given not less than ninety (90) days prior to said intended move.

The father shall not remove the minor child from the State of Connecticut without first informing the mother, by fax or e-mail, as to the destination address and a working telephone number for emergency access.

4. CHILD SUPPORT:

The court finds that the plaintiff has a demonstrated earning capacity well in excess of \$150,000 per year.¹⁷⁷ The court has based the computation of the child-support guidelines based on the plaintiff having an earning capacity of \$150,000 per year. The plaintiff shall pay child support to the defendant in the amount of \$325.00 per week in accordance with the Connecticut Child Support Guidelines. This shall be paid by an immediate wage withholding order. The plaintiff shall

¹⁷⁷ The court demonstrated the capacity to destroy a man's earnings capacity via incarceration. Being unemployed to this court was not a change of circumstances. The Plaintiff's income for almost a year was only unemployment, and the court had the sadistic arrogance to declare their was not change in circumstance to the Plaintiff's order that was 170% of his former base salary. His one time high income from TradeSmith was already three years in the past as Ian Renert's business (the only big account) had already been stopped by the SEC three years ago. Here the court was not allowing a change in circumstance from an income three years old. The court gauging into the Plaintiff's 401k was willful abuse of power and shows a vindictive mentality in retaliation for the Plaintiff's filing of a complaint against Judge Frankel with the Judicial Review Committee over a year prior. This demonstrates the extreme difficulty of turning around a case in a biased courthouse, where the Judges think it is their place to make emotional decisions based on their feeling about a person rather than using fact and reason. It is doubtful that the Plaintiff had the same earnings capacity after being incarcerated because of the damage to his reputation. In the post 2008 era a bank would not even be allowed to hire such a person. Even a New York Times headline that the Judges of Connecticut had committed a false conviction would not have helped because even then his reputation is spoiled in the same way that false allegation of sexual abuse might ruin a priest or teachers career permanently.

also contribute to the child's additional support as set forth in paragraphs 5, 6 and 11 hereunder.

5. PRIVATE SCHOOL AND POST-HIGH SCHOOL EDUCATION:

The court finds it is in the best interest of the minor child for him to continue to attend the Ridgefield Academy. The parties shall continue to enroll the minor child in Ridgefield Academy¹⁷⁸ through his graduation from said school or until such time as the mother no longer believes that this educational institution is the appropriate one for the minor child¹⁷⁹. The plaintiff shall pay the sum of \$200.00 per week for tuition and costs. The plaintiff shall make the 2003-04 tuition payment in a lump sum amount of \$10,400.00 from his share of the 401K as soon as the account can be divided by QDRO and the plaintiff's 30% share liquidated (see paragraph 11 below). The plaintiff's child-support payments shall CT Page 8413-cj immediately reflect an additional \$200.00 per week for tuition so that the money is available when the tuition deposit and final bill have to be paid. At such time as the minor child graduates from Ridgefield Academy, or the mother believes another educational institution would be appropriate, the parties shall each be responsible and pay for one-half the tuition and costs of any such institution. The Court hereby retains jurisdiction to determine at a later date an educational support order (Public Act No. 02-128) upon motion made by either party at the appropriate time in the future.

Any and all custodial accounts, presently being held on behalf of the minor child, shall be maintained in accordance with the laws of the State of Connecticut and shall not be used for the support of the minor child. Said accounts shall be reserved for future use for tuition, room, board, and the like in conjunction with said aforementioned educational support order. Unless specifically agreed to in writing by the parties or ordered by the Court, no part of these accounts shall be used for tuition or costs of extracurricular activities of the child prior to such time as the Court enters.

¹⁷⁸ The mother preferred private school because she had fallen out with the Redding School system over the "I am going to get a gun and shoot you" incident. The mother is better able to hide the problems at home with the child that are arising from the parent with a private school.

¹⁷⁹ The lesson here is that it is better to save money for college than waste it on private school when funds are short as well. By age 18, there was no money left for the child's college. The court had neglected the welfare of the child by transferring all the funds to the Defendant who would end up not giving any to the child and to all the lying parties in the case who committed the fraud associated with alleging the Plaintiff had offshore accounts and a second income from securities manipulation (narcissistic violence for generating narcissistic supplies). The only money left for the child was the few trusts the father had created, which I guess is where you can say the money went. Apparently the father given the growth of the 401k was an extreme saver while the defendant was an extreme spender thus the differences in personality and incompatibility.

an educational support order. The father shall provide the mother with a copy of all statements received for each such account within two weeks of his receipt of same.

6. MEDICAL INSURANCE:

The cost of maintaining the existing COBRA¹⁸⁰ medical insurance coverage for the defendant and minor child shall be paid from the 401k distribution set forth in paragraph 11 below. Thereafter, the plaintiff shall maintain medical insurance for the benefit of the minor child; all unreimbursed medical, dental (including orthodontia), psychiatric/psychological/therapeutic, prescriptive, optical expenses, including insurance premiums and deductibles, incurred on behalf of the minor child shall be paid one-third by the defendant and two-thirds by the plaintiff, until the child attains the age of twenty-three years. The provisions of CONN.GEN.STAT.Sec.46b-84(e) shall apply.

7. MISCELLANEOUS:

A. Robert Colen, Ph.D., issued two comprehensive psychological evaluation reports. Additionally, Family Relations counselor, Ms. Leslie Raider, issued a comprehensive custody study report. At no time presently or in the future shall any of these reports be copied, nor the contents published, by any person having a copy of any such report.¹⁸¹ At no time presently or in the future are the contents of said reports to be discussed with or in any way communicated to the minor child by either party or by any person having a copy of any such report. Neither party is CT Page 8413-ck to receive a copy of any such report, presently or in the future.

Furthermore, at no time presently or in the future shall either party discuss or in any other way transmit any of the testimony in the trial of this case, or any substance thereof, to the minor child, other than the court's final specific orders concerning custody and visitation. The parties shall not discuss the court orders concerning finances and other matters other than

¹⁸⁰ The Plaintiff's preference was to continue working at BLB where he had health insurance for himself and his son, even the defendant. The court destroyed the Plaintiff's job via incarceration by ordering the father to pay more than he made. When the father was incarcerated the Defendant was heard saying "wasn't that great" by Cathy Prior. The Defendant was overjoyed by the incarceration, even though it was going to destroy the father's earning capacity and the health insurance of the child and even herself. But since the Defendant was diagnosed as "psychotic under stress" it had become the responsibility of the court to protect the interest of the minor child.

¹⁸¹ Mr. Smith never got a copy and had to copy it long hand. The case can be made that the Judge freezing the psyche eval is responsible for all the damage and the abuse of the child. It would have been better if the order was that everyone in the case had to write the report rather than not. With no access to the report you can not even inform a new therapist. Mr. Smith also had paid for the report and does not get any fair use of it. This is an example of Judges blindly just ordering whatever a women in the court requests blindly, which is what this court does. The legislative branch needs to change the law to read that in cases where one party is found to have borderline personality disorder than all Judges must read the psyche eval before hearing any motions.

custody and visitation with the minor child, nor shall the child be given a copy of any trial transcript, the court's opinion, and/or any orders.

These orders concerning the aforementioned reports, testimony, and court orders shall be modifiable only by court order.

B. The court finds it is in the best interest of the minor child that the plaintiff father undergo a complete psychiatric evaluation¹⁸², including but not limited to an evaluation for medication within sixty (60) days of the date of these orders¹⁸³. The purpose of this order is to enable the father to obtain the appropriate psychiatric/ psychological treatment and medication as recommended at trial by Dr. Colen and the guardian ad litem, Dr. Cohen. The plaintiff shall comply with any recommendations concerning medication and/or participation in regular therapy thereafter.

C. The mother shall continue in regular therapy with her current therapist, Dr. Lawrence.

D. The minor child shall continue in therapy with Dr. Arndt for as long as his therapist deems it necessary for him to do so.

E. The plaintiff shall be solely responsible for the fees and costs incurred by the counsel for the minor child and the guardian ad litem; said fees and costs shall be paid by him pursuant to paragraph 11 below not later than 60 (sixty)

¹⁸² Victims of a false conviction typically suffer from PTS Post Traumatic Stress syndrome. PTS is what soldiers get after being out on the battlefield for a long time. Mr. Smith was exposed to severe stress in a long hostile divorce which had been promoted and extended by the court first ordering a financial order that was 170% of his paycheck, and at the same time demanding all kinds of fees paid to attorneys etc, the court also was responsible for freezing the psyche eval which could have helped the Plaintiff and in fact did right after it was completed proof that it was in his favor. The court finding that the "whole case hinges on whether he has offshore accounts" then extended the case further which is 100% due to the false allegations of the borderline Defendant. The court then obstructed Justice by denying motions to stay, to reargue, to modify, and had even obstructed in the Sept financial trial. The court also further extended the case out of vengeance for appeal by ordering that the father must be alone with the child. This then extended the case even further. The father was forced into an extended case all while having no funds to fight it and was part of the time pro se. The plaintiff file a complaint with the Judicial Review Committee prior to incarceration just so it would be clear that the court was responsible for the loss of the father's job. The Judge abused power as indicated by the Marshall that "you pissed off a Judge". The Plaintiff had pissed off the Judge by complaining that the Judge had committed a false conviction. Note that if the Plaintiff has offshore accounts then in the Mutual Scandal that followed the factual information about the offshore accounts would be required to be given to the SEC, the FBI, the Federal Attorney, and all State Attorneys of all 50 states etc. The Judges in this case have been in contempt of proving evidence of illegal activity to the proper authorities. A Diagnosis of PTS is supporting evidence of the violation of human rights, malicious prosecution, abuse of power, obstruction of Justice, violation of parental rights, and constitutional rights in this case all subject to damages.

¹⁸³ As an added insult following the borderline theme: "I'm not crazy you are" here the court is ordering that the Plaintiff needs medication when the original psyche eval said the defendant should consider medication. This represents divorce in Connecticut, the court destroys the man job, they take away his career, then they take his children, then take his house, his car is repossessed, they take his stuff including pianos, they completely destroy his retirement assets, they destroy his credit rating and assign him all the debt, then he gets all of the taxes from the money withdrawn from his retirement accounts or 401k, he gets a nasty all negative decision written about him that represents a sample of a borderline campaign of denigration that reads like Hitler's justification for taking everything from the Jews (after all they had hidden assets and made too much etc.), then all he gets is medication, and the PAS ended up being the full term of the child's childhood all 18 years. The only treatment that works in these cases is the truth. Normal life is not possible after a false conviction. The PTS false conviction victim instead of moving on with his life has to lose sleep about how he is going to prove a negative. The writing cure is recommended by some experts as in write a book.

days from the date of this order.

8. ALIMONY:

The plaintiff shall pay the defendant \$350 per week until the death of either party, the defendant's remarriage, or ten years from the date of this judgment, whichever first occurs. This shall be paid by an immediate wage withholding order.

9. LIFE INSURANCE:

The plaintiff shall apply for life insurance, insuring his life in the CT Page 8413-cl amount of FIVE HUN-

DRED THOUSAND and 00/100 (\$500,000.00) DOL-LARS, for so long as he has an obligation to pay alimony, child support, or college education expenses. The plaintiff shall pay the premiums. He shall secure such insurance that a premium payment of \$1,000.00 per year would secure for a term policy of fifteen (15) years. His obligation to pay the premiums shall endure so long as the plaintiff is obligated to pay alimony, child support, or college expenses. In the event he fails to pay any of said premiums, the defendant shall have the option to pay such premiums and the plaintiff shall be indebted to repay the defendant in the amount of the sums so paid. If the defendant pays any such premiums in accordance with the provisions of this paragraph, then the plaintiff shall reimburse the defendant in the amount so paid on or before the first day of the first month following any such payment. In the event that said insurance shall not be maintained in effect at the time of the plaintiff's death, and in the event the plaintiff has not made an equivalent bequest in his will which can be paid from the assets of his estate to the defendant for \$500,000.00, then the difference between the bequest and the amount of insurance required under the terms of this paragraph shall constitute a charge upon the plaintiff's estate and an indebtedness of the estate of the plaintiff in favor of the defendant to the extent of the provisions of this paragraph. The plaintiff shall furnish to the defendant, per her request, but no more than twice annually, on the first business day in January and on the first business day in July, proof that he is insured in the specified amount and that the beneficiary of said insurance is as required herein.

10. *REAL ESTATE:*

By judicial decree, the plaintiff's interest in the Redding property shall be transferred to the defendant, and she shall be responsible for the first mortgage. She shall hold the plaintiff harmless and indemnified of the same. The defendant shall be responsible for recording a certified copy of the dissolution of marriage judgment on the Redding Land Records.

11. *401K:*

The plaintiff's remaining 401K balance held by the plan, and that portion held by Attorney Poll as trustee, shall be divided such that the defendant receives 50% and the plaintiff receives 50% (30% outright and 20% set aside as security pursuant to CONN. GEN. STAT. Section 46b-84 (f) for the plaintiff's faithful performance of his obligations under the decree entered in this matter).

The following distributions were previously withdrawn from the CT Page 8413-cm husband's 401K: \$130,000 for the primary benefit of the plaintiff to secure compliance with the existing court orders in this matter; \$8,600 allocated for payment of COBRA medical insurance; \$20,000 paid to Attorney Poll; \$8,000 paid to Dr. Cohen; \$900 paid to Attorney Grover based upon a finding of contempt; \$41,665.66 paid to the defendant based on a contempt finding as past due alimony and child support; and \$26,000 paid for the plaintiff's taxes.

Further, the plaintiff has borrowed against the 401K in the amount of \$50,000¹⁸⁴. He has also paid his mother \$60,000¹⁸⁵, all without court order.

The following sums shall be paid from the plaintiff's 30% outright distribution share:

a. \$75,000 towards the defendant's legal fees; \$50,000¹⁸⁶ for the legal fees of Attorney Grover for the trial of this case and the balance for sums due and owing to Attorney Pasquini¹⁸⁷. The plaintiff is ordered to pay this amount due to his repeated contempt of court, the total lack of credibility of his testimony regarding the couple's finances, his manipulation of family assets to put them beyond the reach of the court, his repeated failures to comply with requests for the production of financial documents, and his deliberate and intentional violation of the automatic orders that prohibit the creation of debt during the course of dissolution proceedings.

¹⁸⁴ There are many inaccuracies in this crazy case. Only \$20,000 of loans was allowed.

¹⁸⁵ This is bizarre and a reverse of the truth as the Plaintiff had to borrow \$50,000 from his parents and they were never repaid.

¹⁸⁶ Attorney Grover, who other attorneys said ran the court, was an arrogant bold face liar, she continued saying to other Judges that Mr. Smith had offshore accounts. After alleging that he had offshore accounts and income from an illegal securities manipulation business and suppressing his claim he worked at a bank, she then received money from the Plaintiff's bank job that opposite of what she alleged.

¹⁸⁷ This attorney was paid by the Plaintiff for lying to the court that the Plaintiff had offshore accounts and numerous other lies.

b. Any sums due and owing the defendant as pendente lite unallocated alimony and child support, which the court finds to be \$58,746.22 as of July 15, 2003.¹⁸⁸

c. The sum of \$65,500, due and owing the Attorney for the Minor Child, Susan Poll¹⁸⁹. The court finds the fees charged by Attorney Poll to be reasonable and necessary. The plaintiff is ordered to pay the full amount because of his repeated contempt of court orders, the total lack of credibility of his testimony regarding the couple's finances, his manipulation of family assets to put them beyond the reach of the court, his repeated failures to comply with requests for the production of financial documents and his deliberate and intentional violation of the automatic orders that prohibit the creation of debt during the course of dissolution proceedings.

d. The sum of \$35,000 for the services of the guardian ad litem, Donald Cohen, Ph.D. The court finds this amount to be the reasonable and necessary charge for his services. The court finds that the GAL's unilateral increase in his hourly rate from \$200.00 to \$300.00 per hour during the trial of this matter to be an unreasonable hourly rate for his CT Page 8413-cn services. Dr. Cohen also charged eleven hours per trial day even on occasions the matter adjourned early. Additionally, this case was the first for Dr. Cohen as a GAL and the court finds it unreasonable to impose the full cost, of his learning the functions of a guardian ad item, on the parties.

e. A sum representing the balance of the cost of CO-BRA insurance coverage, for the maximum period allowed by law, shall be paid to the plaintiff's former employer to assure continued medical insurance coverage for the wife and minor child.

f. The sum of \$10,400.00 shall be paid to the Ridgefield Academy for the minor child's 2003-04 tuition. If the defendant has already made this payment, this sum shall be paid directly to the defendant as reimbursement.

g. The sum of \$2,000.00 shall be paid to Dr. Arndt for services rendered to the minor child; such payment emanating from a pendente lite order of the court.

A Qualified Domestic Relations Order shall be established so that the wife shall receive 50% of the remaining 401K, together with that portion of the plaintiff's 30% share as set forth above, including gains and losses on that sum until transfer. This court shall continue its jurisdiction for the purpose of effectuating the terms of this order. The cost of an actuary to prepare the Qualified Domestic Relations Order shall be equally divided between the parties. Each party shall direct their attorney to cooperate in the timely processing of the Qualified Domestic Relations Order and each party shall be individually responsible for their counsel fees incurred to finalize the Qualified Domestic Relations Order. The parties shall equally share the cost of the pension actuary, Mr. Barry Kaplan, and each shall initially tender to him the sum of \$250.00 to commence his investigation.

The remaining balance of the plaintiff's share of the 401K shall be held as security for the plaintiff's faithful compliance with the court orders. That balance shall be rolled into a separate IRA to be held for his benefit and to secure compliance with the court orders, by a trustee appointed by the court, and shall be released to him when the minor child attains the age of 23 years, so long as no sums are due and owing under the provisions of the judgment in this matter. In the event a court utilizes these funds for the purpose of satisfying compliance with court orders, then the trustee shall be authorized to act as directed by the court regarding the distribution of the IRA security monies. The plaintiff may participate in any advice, required by the trustee, CT Page 8413-co regarding the investment of these funds.

12. PENSION:

The defendant shall be entitled to one-half of the value of the plaintiff's defined benefit plan through his prior employment. A Qualified Domestic Relations Order

¹⁸⁸ A Motion for modification had been entered at the time Mr. Smith had not been working with pay yet and was unemployed since the incarceration in October of 2002, his income prior to that was only \$6,000 a month from the Bank. Up to July 2003, the court found there was no change in circumstance and found mutual fund timing that had stopped being effective as long ago as 2000 to be a source of earnings capacity. Another extreme example of abuse of power.

¹⁸⁹ Susan Poll received a huge amount of money based on the Plaintiff's average income over a ten year period probably over a whole year's income. She had received large amounts prior to this point. She received the equivalent to a child's entire college education at an Ivy League school. She had been fully aware of the psyche eval and letters from Christine Lawson. She had been appointed in an attempt to protect the child. Unless a child attorney or guardian ad litem is appointed that is extremely experienced in both borderline psychology and PAS then they are just detrimental. She only stood to benefit by the lengthening of the case in fact her putting in the order that he must be alone with the child greatly extended the case and her fees. She did nothing to notify the court that the mother was borderline. She stood by while custody was awarded to a mother classified as a "witch borderline" under the textbook, Understanding the Borderline Mother". The characteristics of the witch mother as per page 138 are: Is sadistically controlling, possesses annihilator rage, organizes a campaign of denigration, stirs up conflict, hostility, violates boundaries, destroys valued objects and is intentionally withholding.

(s) or Domestic Relations Order (s), as the case may be, shall be established so that the defendant shall receive 50% of such benefits as of the date of judgment, which shall be transferred to the defendant. This court shall retain jurisdiction for the purpose of effectuating the terms of this clause. The parties shall equally share the cost of the consultant, Mr. Barry Kaplan and each shall initially tender to him the sum of \$250.00 to commence his investigation of the plan. Each party shall cooperate in the timely processing of the Qualified Domestic Relations Order (s) or Domestic Relations Order (s) and each party shall be individually responsible for their counsel fees incurred to finalize the Qualified Domestic Relations Order (s) or Domestic Relations Order(s).

13. DEBTS:

The defendant shall be responsible only for those liabilities as reflected on her financial affidavit in her name solely. The plaintiff shall be responsible for all debts on his financial affidavit, as well as all debts in his name for which he could be liable, which are not yet reflected as debts on his financial affidavit, particularly those pertaining to taxes. The plaintiff shall hold the defendant indemnified and harmless for the debts the court has ordered him liable. This provision is in lieu of additional spousal support and is intended to be nondischargeable in bankruptcy.

14. CUSTODIAL ACCOUNTS:

The defendant mother, as the sole custodian, shall hold the child's custodial accounts with CHET, Schwab, and any others. The plaintiff shall transfer the same to the defendant's control within thirty(30) days of the judgment in this matter. The defendant shall provide the plaintiff with an annual accounting of the funds.

15. PERSONAL PROPERTY:

The parties have previously divided their household furnishings and vehicles and each shall retain in their

personal possession that which they now have under their control. CT Page 8413-cp

16. DISCLOSURE:

The reports of Leslie Raider and Dr. Robert Colen shall not be copied, disseminated, distributed or published in any manner, and the pendente lite orders pertaining to these reports shall survive the entry of the judgment in this case.

17. DEFENDANT'S OUTSTANDING MOTION:

The Defendant's Motion for Contempt, filed April 22, 2003, #221, is granted in part as follows:

- a. The court finds the plaintiff in willful contempt of the court orders dated January 21, 2003, requiring the plaintiff to install a telephone in the family home for the use of the minor child. Despite taking a European vacation and contributing to the household expenses of his current girlfriend, the plaintiff failed to have a telephone line installed for his son.
- b. The court finds the plaintiff in willful contempt of the court orders dated July 15, 2002, regarding visitation with the minor child. Testimony at trial proved that the plaintiff has been inconsistent in the exercise of his visitation rights and has arrived late to visitations. The plaintiff's failure to take advantage of the visitation granted him makes the veracity of his claim for sole custody questionable.
- c. The court finds the plaintiff in willful contempt of the court orders dated September 25, 2001, ordering him to pay the sum of \$2,500.00 per week as unallocated support. The plaintiff has failed to pay any court-ordered support since January 21, 2003. The court notes that the \$41,665.66 paid towards the plaintiff's unallocated support was derived from a withdrawal from his 401k account and not from his income. Under the terms of his severance package, the plaintiff received his full salary until the end of January 2003 and thereafter received \$405.00 per week

Holly Abery-Wetstone, Judge CT Page 8413-cr

in unemployment compensation. Despite this income, the plaintiff made no contribution towards the support of his wife and child.

d. The court denies that portion of the defendant's motion referring to the plaintiff's failure to apply for unemployment benefits; the evidence at trial proved that he had applied for and received unemployment compensation.

18. PLAINTIFF'S OUTSTANDING MOTION:

The plaintiff's Motion for Modification, #208, dated December 5, 2002, CT Page 8413-cq is denied. The plaintiff received full salary as part of his severance package from the end of October 2002 until the end of January 2003. The plaintiff failed to introduce any evidence that he was placed on leave without pay during the period of incarceration from October 10, 2002 to October 21, 2002. The plaintiff's willful failure to pay court-ordered support caused his incarceration and, as testified to by the plaintiff, his eventual termination of employment. The plaintiff failed to introduce testimony or evidence at trial to prove he had made a good-faith effort to find new employment. The court does not find the plaintiff's testimony regarding his efforts at a job search credible. Additionally the plaintiff's testimony at trial was deliberately evasive and incomplete about the terms of his compensation for his new employment.

19. AUTOMATIC STAY:

The court terminates the automatic stay pursuant to P.B. Section 61-11(d) in the event of an appeal by either party. The court is making this order due to the precarious state of the wife and minor child's financial condition and the knowledge that the plaintiff has violated the automatic orders and numerous prior court orders.

By the Court,

Summary Statement and Conclusion:

The Smith case is an undisclosed hate crime that unfolded over a 20 year period and damages extending further into retirement for maybe another 40 years. By hate I mean a "I hate you don't leave me" and "I will use the side of my brain that hates" and "I will get a gun and shoot you" type of case. This hate crime or extreme civil rights violation case was executed against a white Anglo-Saxon (WASP) man and a banker on Wall Street. It is one of the few cases on Wall Street where a banker was incarcerated, but strangely enough was incarcerated for making enough bonus or for not manipulating securities enough to meet the demands of the most narcissistic county courthouse: Fairfield County, Connecticut. The case is an example of Christian cruelty where so-called Christians espouse their moral virtue in executing the sadistic abuse of power to systematically rig the court to obstruct Justice and fabricate evidence.

The demonstrates that Connecticut can not be considered inhabitable by a married man because of the lack of rule of law and the extreme high costs of divorce. The state has to also be considered unsuitable for the establishment of hedge funds or the residence of hedge fund managers because the courts are too corrupt (ignorant or do not listen) and think that offshore accounts of a hedge fund structure can be attributed to the assets of an onshore hedge fund manager. In this case the Plaintiff didn't even have one which makes it even more ridiculous. Thus on a risk management basis after looking at what happened to Mr. Smith Connecticut has to be considered a hostile environment for men.

This case demonstrates that Connecticut is a pro PAS or Parental Alienation inducing State where parental alienation together with excessive alimony is a suspected cause of Newtown. The court claim that there was no PAS in this case was as credible as there claim that Mr. Smith has offshore accounts and an income from a Madoff like side business. It is more likely that Mr. Smith's assets and actual job was Made-off with via psychotic accounts made by "People of the Lie". They made-off with this 401k, house, child, pianos, job, career, car, health, etc.

The Defendant had ordered profiles of sperm donors from the CRY Bank¹⁹⁰. She was determined to have another child even as the relationship was in complete chaos. She wrote on the brochure from the CRY bank that she wanted the new child to be “**All Mine, Mine, Mine, only Mine**” and she expected that Mr. Smith would have to pay the child will he will not see.

Afterwards

After the trial was over information seemed to leak out from my attorney somehow before the decision was completed. Some of the things Attorney Grover was saying to Steve Slezich ended up in the decision, which is odd, is was as if the Judge had Grover write the decision. The little bit of money I raised for the appellate attorney James Lee¹⁹¹, \$5,000 ended up going to Selzgich as he discouraged the Appellate attorney from appeal, which I could never afford anyways. Only the rich can win in court. After the decision the case would drag on for ten more years, not with any correction, just more destructive motions, there were a total of 350 motions in the case. That means there were at least 350 opportunities for the court to correct itself but it couldn’t or wouldn’t. Dyane could say the magic phrase he is “not credible” and make him even less creditworthy over time. My way of measuring the corruption level of a case would be 2 to the 350th power as a measure of the corruption as that is the total number of times the case could have been rectified but was not. One Judge said it was “your fault because you did not appeal” another example of a borderline “no-win” situation.

In 2003, Eliot Spitzer exposed the problems with backward pricing of mutual funds in his case against Canary Capital Partners, Eddie Stern, son of Leonard Stern.¹⁹² Canary Capital settled the complaint for US\$40 million. So this case revealed that the true earning capacity of a hedge fund engaged in mutual fund timing would have been minus \$40,000,000¹⁹³ in sharp contrast to the Danbury Court’s findings. Spitzer office did subpoena Aquila capital. I told David Brown at Spitzer’s office about the contrasting finding of the Connecticut courts but he did not consider it his territory. After the mutual fund scandal emerged Mr. Smith job evaporated as expected and he was unemployed for a number of years while the court

mutilated his 401k.¹⁹⁴ The father’s relationship was pretty much destroyed as is the case of severe PAS cases. It is standard wisdom in psychology that a child is not able to separate effectively from his parents until puberty when they start to develop their own will. So typically a PAS father has to wait until that time to begin to have a relationship with his children. At age 16 literally on his birthday, Taylor one day came over to David & Cathy’s (Mr. Smith & Cathy Prior) and announced he wanted to live with his father. At the same time Mrs. Smith called the Redding Police asking that they make Taylor return home just like she had been doing with Mr. Smith (funny how history repeats itself). The Redding Police told her they could not now that he was 16. It is unknown how much abuse he had to take as he was afraid to disclose it or he might be punished. He used to come with his hands or arms bruised saying he had pounded the walls of the stairway has he would leave her house in frustration.¹⁹⁵

It was not until late 2005, that Mr. Smith was able to get a job in his field which was municipal finance (helping fund schools, hospitals and housing etc.) and only by connection. The personal department was offended when they bypassed them without doing a background check. Mr. Smith had to be careful as he had had so many jobs destroyed by Mrs. Smith’s meddling. He had been given a baseball cap from Deutsche Bank so he wore it while with Taylor. So naturally Taylor thought he was working at Deutsche Bank. Later Mrs. Smith filed court documents stating that she had contacted Deutsche Bank and that they denied that Mr. Smith was working there. She was searching a suit against Deutsche Bank for none compliance. Mrs. Smith had destroyed an astonishing six job or businesses of Mr. Smith over the years: Her machinations had impacted Ambac, she destroyed the company MFE Manhattan Financial Engineering with her feud with Jim Watson, She clearly destroyed BLB, and the company TradeSmith, She created the troubles between Aquila and Aquila Funds, then the only one remaining was DEPFA (Deutsche Pfandbriefe) Bank which was German and sounded like Deutsche Bank. Even at the end of his job at DEPFA Bank Mrs. Smith was still suing the bank for information about his severance, while at the same time Mr. Smith’s former attorneys were filing claims arriving at the bank. With all this violence occurring at Mr. Smith places of employment it did not appears as if he could work at all.

After Mr. Smith lost his DEPFA job he could not even get a job with UBER or Lyft as his credit rating was too low and he failed a background check, the denigration by the court had thoroughly destroyed his life.

¹⁹⁰ page 179, Gardner “He often complained that he had served merely as a stern donor and that after the birth of the child his services were no longer considered necessary”

¹⁹¹ James Lee, an appellate attorney was the attorney that had suggested that the \$2,500 a week order may have been intended to be coercive as intended to probe for offshore accounts - which according to him was improper legally.

¹⁹² see 2003 mutual fund scandal of 2003 wikipedia

¹⁹³ The figure \$40,000,000 could serve as a precedence for the amount of damages the State of Connecticut has to pay Mr. Smith for the commitment of this Human Rights Atrocity.

¹⁹⁴ After this case a 401k can not be offered as an alternative to social security or considered a safe vehicle for retirement. This case actually is an argument for offshore accounts.

¹⁹⁵ Lawson says “The Witch’s grown son may become a sadistic serial killer” as he feels he needs the silence the voice in his head of his mother screaming at him. page 125, and page 139 “Male Children of Witch mothers may grow up to become criminals or sex offenders.”

As the case dragged on another ten years with more trips to court like every six months, a total of maybe 20 Judges had become easily duped fools, or “folie-a-deux” (“double insanity”) or shared a “shared psychotic disorder (297.3) DSM-IV diagnosis that the defendant was credible.

J. Masterson¹⁹⁶ describes the high functioning borderline/ narcissist which is very intelligent and convincing to others. Mrs. Smith’s diagnosis would have been very similar to Adolf Hitler’s who was also convincing to many who also believed Jews had hidden assets and thus should be incarcerated. Thus this case becomes useful for holocaust studies.

As the case reached the 350 motions now the case had reached an absurd stage, Mr. Smith was suing for money from the days Mr. Smith did not visit midweek and it may have cost her to feed the child instead of him and she wanted more money kicked into the already almost depleted 401k because some funds had been taken out with taxes withheld and she thought the funds should have been withdraw with no taxes withheld. In the last motion Mr. Smith said visitation was difficult because of the high level of PAS. Mrs. Smith instead of working had gone to law school (she was inspired by the high amount of money Debra Grover was making by lying). Mr. Smith pointed out she had gone to law school with his money and was now suing him. Mr. Smith had no money so he could not kick in any money anyways. The 350th motion may be the only motion that Mr. Smith won in the case. All the Judges in the case should be impeached but the last one. Mrs. Smith did not come back again after that and the child had reached 18. The child had been alienated from birth to 18.

Towards the end of Mr. Smith job at Depfa Bank, Depfa as a result of the banking crisis of the 2008 recession had to be bailed out by Germany, Mr. Smith’s office was receiving subpoena’s from Mr. Smith attorney for money, who had been jilted by the court after the court had forced an attorney on Mr. Smith to defend himself for being accused of having offshore accounts and an income from an illegal activity. Mrs. Smith ended up harassing also Depfa Bank for information about Mr. Smith severence.

In 2013 PAS was added to the DSM V

In February of 2015, the US Attorney Deirdre M. Daly of New Haven, announced the establishment of a “public corruption task force in the State of Connecticut”. The Task force’s first order of business was to address the problems of fraud and corruption in the State’s family

courts.¹⁹⁷

On April 3, 2016 news broke of the Panama Papers about the offshore accounts established by the Panamanian law firm Mossack Fonseca.¹⁹⁸

On June 17th, 2016 Mr. Smith filed a complaint with the US Attorney’s office in New Haven (see appendix)

Summation:

Montaigne is reputed to have said that, having seen the law at work, if someone accused him of stealing the towers of Notre-Dame cathedral he would flee the country rather than stand trial.¹⁹⁹ Would it have been better if Mr. Smith fled and had offshore accounts perhaps. When Dyane’s father divorced her mother²⁰⁰ he ended up having to run away and hide in Texas.

"The Fisherman and His Wife" is a German [fairy tale](#) collected by the [Brothers Grimm](#), tale no. 19. Synopsis:

The re once was a poor fisherman who lived with his wife in a hovel by the sea. One day the fisherman catches a golden flounder, which claims to be an enchanted prince, and begs him to set it free. The fisherman kindly releases it. When his wife hears the story, she says he ought to have had the flounder grant him a wish, and insists that he go back and ask the flounder to grant her wish for a nice house.

¹⁹⁷ US Attorney Deirdre M. Daly Investigation of corrupt CT courts by Jim Picht, Feb 5, 2015, CDN Communities Digital News

¹⁹⁸ Panama Law Firm’s Leaked Files Detail Offshore Accounts Tied to World Leaders by Michael S. Schmidt & Steven Lee Myers, April 3, 2016

¹⁹⁹ Lawyers to this day seem particularly sensitive to the play between form and fact, which makes them good novelists. “There is but little relation between our actions that are in perpetual mutation and the fixed and immutable laws” a chagrined Montaigne wrote. “I believe it were better to have none at all than so infinite a number as we have.” His emphatic - if perhaps apocryphal remark on the subject is still applicable today.

²⁰⁰ Her mother and her grandmother were waif borderlines who complain of being sick all the time.

¹⁹⁶ The Search for the Real Self: Unmasking the Personality Disorders of Our Age”

The fisherman returns to the shore but is uneasy when he finds that the sea seems to become turbid, as it was so clear before. He makes up a rhyme to summon the flounder, and it grants the wife's wish. The fisherman is pleased with his new wealth, but the wife is not and demands more, and demands that her husband go back and wish that he be made a king. Reluctantly, he does, and gets his wish. But again and again, his wife sends him back to ask for more and more. The fisherman knows this is wrong but there is no reasoning with his wife. He says they should not annoy the flounder, and be content with what they have been given, but his wife is not content. Each time, the flounder grants the wishes, but each time the sea grows more and more fierce. Eventually, the wife goes too far when she wishes to command the sun, moon and heavens, and become equal to God. When that final wish is made, the flounder undoes all the wishes, and returns the fisherman and his wife to their hovel. And with that, the sea becomes calm once more.

In this story Mr. Smith was the Fisherman and when the wife finally asked for \$17,000 a month and the whole house and the whole 401k that is when the stock market refused to deliver.²⁰¹ Given her narcissistic personality disorder, Mrs. Smith had a grandiose view of her importance, and that by supporting Mr. Smith she was responsible for his success and by withdrawing her support (by "no longer being his secretary) she could destroy him, thus her reference to the so-called "Master of the Universe" in the deposition, where she references, Tom Wolfe, Bonfire of the Vanities, which she had read. She later had Mr. Smith's mail forward to an address in the Bronx just to emphasize he was about to be destroyed.

This book is intended to answer those who can not understand "how I lost my millions" or those who question why I did not save more money for retirement. I did but it was all stolen by fraud. It is just more evidence that one should not lay up treasures on earth where they could all be stolen away.²⁰²

The religion the court adheres to says "Blessed are those who are wrongly persecuted for they shall inherit the kingdom of heaven" Matthew 5:10 The growing field of Near Death Experiences (NDE) specifies that each individual in this case will have a Life Review at death and all of their actions and all of the effects on other people will be played back.

Dante in the Inferno specifies a special location for perjurer, liars in the Eighth Circle, the parties in this case that alleged Mr. Smith had offshore accounts and are not prepared with exact factual evidence can expect to be placed in that Malebolge for 2 to the 350th power years.

The court behavior of smashing careers/ jobs, retirement accounts, parental rights with

²⁰¹ on page 193, Christine Lawson in Understanding the Borderline Mother, refers to the story of the Fisherman and his wife in relation to the Witch Borderline, she says on page 195, "what the Witch offers the Fisherman is a facade of strength and sense of self that he lacks. He mistakes the Witch's aggression for courage, and not only fails to realize the danger to himself, but also the greater danger to his children.

²⁰² 19: Lay not up for yourselves **treasures** upon **earth**, where moth. and rust doth corrupt, and where thieves break through and steal: 20: But lay up for yourselves **treasures** in **heaven**, where neither moth nor
Matthew 6:19-20

psychotic violence is not acceptable. It is this type of ignorance that brings about the circumstances leading to Sandy Hook/ Newtown because of PAS and excess alimony.

This case illustrates the destructive ugliness of people who lie and people who easily believe lies, they are "the people of the lie". Connecticut is a place of beautiful leaves and ugly people.

Conclusions:

Connecticut Family courts are destroying retirement assets completely and giving houses 100% to the wives. The expected value for real estate in Ct for a married man would be below zero given this case. The state is finding men to have offshore accounts in borderline divorces mainly via obstruction of justice and abuse of power and malicious prosecution. The state is a PAS inducing state. The cost of divorce can be over ten years of average annual income. The judges are finding borderlines to be credible. A 401k is not a safe retirement vehicle for married men in the state of Connecticut.

This case goes into history as rivaling the Salem witch trials in its barbarity and indicates an ongoing problem in the New England states.

Judge Frankel and Whetstone judgement and credibility is permanently tied to their championing of Dyane Smith. A court in which the most aggressive liar (the most evil) is always the winner leads to a general decline in society.

A state in which the court attribute offshore accounts to the traders of offshore accounts is not a suitable state for hedge fund managers.

Three years prior to the SEC decision the state of Connecticut ruled on the mutual fund scandal and found that mutual fund timing was a credible source for alimony payment.

In the Appendix I count 23 of 30 universal human rights that were violated in this case.

This case has a huge number of constitutional rights violations.

Recommendations:

Using their own methodology all the judges in this case can be assumed to be corrupt (guilty until proven innocent) until proven otherwise by providing evidence of offshore to the 98 million mutual fund holders on record. The legislators who fail to vote for impeachment can be impeached themselves or voted out of office for not upholding the constitution.

Legislation need to be enacted removing the “wide discretion” (discretion so wide it drifted into the illegal) of family judges with regard to alimony. An accountant should calculate the 17% of the paycheck and predetermine a maximum amount set by law.²⁰³ Alimony determined by Lifestyle is championing a lifestyle of narcissistic violence where the court is promoting the assault on the middle class (mutual fund holders) to support the lifestyle of the rich (hedge fund investors). A State or county that has a lifestyle estimate greatly above the rest of the country is promoting inequality via securities fraud.

If the legislature makes a law that retirement accounts can not be touched by judges like these then then retirement funds will be protected from going to fraudsters like these.

Family court professions need to be trained in psychology and replaced with professionals: Judges, Lawyers, therapist, “that can name that tune in one note” as in be able to identify liars right away, as in knowing what a “campaign of denigration” is and how it points to a personality disorder. This case is to serve as training material for that purpose. The detailed transcript for the September 2001 trial should also be included for this study.

After seeing the damage that can be done in this case, men would have to be discouraged from marriage itself, and would be wise to have a comprehensive psyche eval done before entering into a marriage. Fatal Attraction risk or the risk and cost of breakup can be too high for some women.

Typically a severe risk needs to have a hedge. There needs to be a divorce insurance product whereby if unequal justice is served than the losses can be recovered. False conviction appear to be much more common than expected. A man when entering a divorce in Connecticut would have to have a Judicial Psychotic break wrap protecting his 401k in the event of destruction by a court. The price of such a wrapped account in CT would be high reflecting the greater risk in Connecticut. A borderline takes sadistic pleasure in putting you in a no-win situation, where the family court demands you steal from the poor, but at the same time the SEC demands that you do not, and at the same time the family court is obstructing justice and is insisting on not listening. The only way to hedge such a situation where the courts are severely biased is to get appeal insurance, where if the court behaves badly, one can obtain the funds to appeal or insure their assets from unequal decisions. The insurance company likewise can hedge it's risk by bringing federal lawsuits against the state from it's collective premiums and thus overall reduce the risk of abuse of power.

The case should be completed with all documents into a formal case study for review at law schools in Constitutional Law and family law. It can also be used for psychology study particularly in the field of parental alienation syndrome, narcissism, borderline, obsessive compulsive and histrionic personality disorder research.

New research has shown brain scans to be an effect means of lie detection. The allegations in the case can be tested via brain scan technology to see if the number of lies believed reaches has high a figure as 1000, with the results then reported on American Greed or Sixty Minutes etc.

²⁰³ like changes made in New York. "Lawmakers pass alimony overhaul New York State, WSJ June 24, 2015 Sophia Hollander.

This is the list of items one can expect from a **divorce Connecticut style** as demonstrated by this case:

1. all debt will be assigned to the man
2. the house will be assigned to the wife
3. the man can be accused of having offshore accounts or hidden assets at will
4. the father might have to “be alone” only with his children or other random bizarre impossible orders might be made.
5. a psyche eval will just be frozen and not read.
6. Justice can be obstructed by not allowing an attorney to talk by making anything inadmissible at will.
7. The court has very wide latitude or wide discretion in determining alimony - so wide in fact that it can include illegal income as earnings capacity. A father can be fired from his job via incarceration by ordering payment more than he makes.
8. The court can ignore your request to retrieve your personal items from your house, so if you are a pianists for example, your pianos might remain at your ex-spouse’s house.
9. Your case might last two and a half years which afterwards the court might claim the damage is your fault for not appealing. Your case could run as high as 350 motions as in this case until completion.
10. The court can find anything to be earnings capacity including the illegal.
11. The court can use incarceration for discovery - as in testing to see if you cough up offshore accounts even if it causes you to lose your job.
12. you may be required to prove a negative - like you do not have offshore accounts. It is not clear how you would do this except notifying all bankers worldwide that certain Judges think you have offshore accounts and you need a confirmation from those million or so bankers that you do not have such.
13. The cost of your divorce can run to five to ten years of your net income.
14. The husband is likely to have to pay all the legal fees of the wife.
15. if a wife is violent and you call the police they will arrest you.
16. The court can look back at your income three years prior and when you are unemployed they can still say there is no change in circumstances.
17. 100% of your retirement assets can be withdrawn with you not getting a penny and all the taxes upon the withdrawals can be assigned to you.
18. Your wife can be borderline, and the court might find that you are disturbed instead.
19. The court might denigrate all aspects of your life including any association you might have with saints.
20. If you worked two jobs, you might be required to continue working two jobs even if a second job is a conflict with the other or face incarceration. The court is not interested in you working one and the spouse working one.

“When I was just a little baby boy,
My mommy used to tell me these crazy things.

She used to tell me, my Daddy was an evil man,
She used to tell me he hated me!

When I get a little bit older &
I realized she was the crazy one,

There was nothing I could do to try &
change it because that was the way she was”

Slim Shady, Eminem, Rapper

In all that is decent.... in all that is just, the framers of our Constitution could never have intended that the “enjoyment of life” meant that if divorce came, it was to be attended by throwing the two unfortunates and their children into a judicial arena, with lawyers as their seconds, and have them tear and verbally slash at each other in a trial by emotional conflict that may go on in perpetuity. We have been humane enough to outlaw cockfights, dogfights, and bullfights; and yet, we do nothing about the barbarism of divorce fighting, and trying to find ways to end it. We concern ourselves with cruelty to animals, and rightfully so, but we are unconcerned about the forced and intentionally perpetrated cruelty inflicted upon the emotionally distressed involved in divorce. We abhor police beating confessions out of alleged

criminals, and yet we cheer and encourage lawyers to emotionally beat up and abuse two innocent people and their children, because their marriage has floundered. Somewhere along the line, our sense of values, decency, humanism and justice went off the track. Berger (1985) a Cleveland attorney, page 35. Gardner.

“No one is more hated than he who speaks the truth” Plato

“Heaven has no rage, like love to hatred turned. Nor hell a fury, like a woman scorn’d” (The Mourning Bride, III, viii) William Congreve
When the situation was manageable it was neglected, and now that it is thoroughly out of hand we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It is as old as the [Sibylline books](#). It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind. Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.
—House of Commons, 2 May 1935, after the [Stresa Conference](#), in which Britain, France and Italy agreed—futilely—to maintain the independence of Austria. ([Churchill By Himself](#), 490).

Robert S. Colen, Ph.D.
Danbury Ct 06810

Susan Poll

July 26th, 2001

At the request of all parties, I have completed my psychological evaluations of Mrs. Dyane Smith, Mr. David Smith, and their minor child, Taylor, age 9. As you know, Mr. And Mrs. Smith are in the process of divorce and concerns have been raised regarding their ability to work together to ensure the best interests of Taylor. A psychological evaluation has been requested to assess the current emotional state of each parent and Taylor and to offer recommendations regarding this family. Each of the above-named individuals will be described in turn followed by a summary statement.

Exhibits:

Robert Colen Report:

Dyane Smith, age 47, presented as an attractive, slightly overweight, appropriately dressed woman who was hyperverbal, detailed in her presentation and showed evidence of pressured speech. She was tense, anxious and stressed by her family situation. She made frequent phone calls and visits to the examiner and presented many documents detailing the injustices that had been perpetrated by her husband. She also made allusions to the questionable ways in which she had secured some of the documents. She was tearful at times, depressed and despondent while at other times she was expansive and ebullient. While her thinking was generally reality based, on some occasions there appeared to be some slippage into distorted, circumstantial thinking. Intelligence was formally assessed and will be described below.

While full background information will be deferred at this time, it was noted that Mrs. Smith was raised in Pennsylvania, she was an only child, and her parents were divorced when she was in college. She did note that her mother suffered from depression secondary to her many health problems. She has fond memories of her childhood and had a conventional upbringing ("boring uneventful"). She did well in school, won awards, had friends, and was active in sports. She denied substance abuse, was not a behavioral problem, and went on to college where she majored in art history. She later attended graduate school and received an MBA. She initially worked for an art museum but after several years she entered the field of finance. At this time she is a homemaker. She had one brief marriage (no children) before meeting Mr. Smith in 1987.

Mrs. Smith went into great detail describing the violent, abusive, controlling, erratic and threatening behavior of her husband during their marriage of nine years. She felt that both she and Taylor were victims of his verbal and physical abuse and emotional neglect. She described an incident in which Mr. Smith pushed Taylor into a glass table and other incidents in which he threatened to have her killed. Police have been involved with this family and Mr. Smith had been arrested several years ago as a result of a domestic dispute. She also noted her husband's devotion to Eastern religions and his dependence on his guru in making life decisions. She noted several bizarre behaviors on the part of Mr. Smith which raised questions for her regarding his emotional stability (e.g. rubbing his arms in the bathroom years ago, suing the State of Connecticut). She felt that her husband had been traumatized and guilt-ridden after the tragic death of his brother when Mr. Smith was in college. Mr. Smith focused on her husband's infidelity which she attributed as the cause of their pending divorce. She felt that her husband was not involved with Taylor during this formative years and, in fact, he had wanted her to have an abortion when she was pregnant with Taylor during their courtship. Mrs. Smith admitted that she does get "confused" with her situation ("I'm making more mistakes than I have ever made"), that she still loves her husband and would like to reconcile their marriage, and at times she has discredited herself and lost credibility (e.g. prompting Taylor on the phone when talking to his father). Mrs. Smith acknowledged that she had not shown good judgement recently when she distributed flyers maligning a woman whom she believed was involved with her husband. She now faces charges of harassment. She stated that she loves "being a parent", is totally committed to her parenting role, but candidly admitted that she is "not doing a good job" when it comes to

fostering a positive relationship between Taylor and his father. Nevertheless, she denied that she has used Taylor as a "pawn" in her dealings with Mr. Smith. At this time Mrs. Smith has physical custody of Taylor while Mr. Smith has visitation one weeknight and Saturdays.

Mrs. Smith was administered various psychological tests when seen for evaluation during approximately eight sessions over a three month period ending in July of 2001. These tests included the Wechsler Adult Intelligence Scale-III, Bender Test, Draw-A-Person, Incomplete Sentences Blank-Rotter, Thematic Apperception Test, Minnesota Multiphasic Personality Inventory - 2, and Millon Clinical Multiaxial inventory-III. Her level of intellectual functioning was estimated to lie in the upper limits of the high average range with a Full Scale IQ of 119. She also obtained a Verbal IQ of 119 and a Performance IQ of 114 (same range). She showed consistently high average ability on the verbal subtests which measured abstraction ability, attention and concentration ability, range of information, vocabulary knowledge, and social judgement. In terms of non-verbal ability, alertness to the environment and analyzing/synthesizing ability fell in the high average range while new associative learning capacity and non-verbal measure of social judgement fell in the average range. Mrs. Smith was thus seen as a very bright, analytic, and creative woman who shows excellent cognitive skills across broad range of skill areas. It was also noted that she showed normal perceptual-motor ability on an additional test measure.

Personality and projective testing portray a guarded and defensive woman who shows evidence of a mixed personality disorder with histrionic, borderline, obsessive-compulsive, and narcissistic features. Wide fluctuations in mood also suggest a rule out of bipolar disorder. Mrs. Smith was portrayed as insecure, dependent, and needing the approval and attention of others. She will tend to draw attention to herself, will be dramatic and flirtatious, and will have a grandiose sense of importance. When not felling that others are responding to her, she will become more dramatic and will tend to exaggerate, distort, and manipulate to draw people to her cause. She is highly suggestible, can be easily influenced by others, and is overly trusting particularly of authority figures. She is unable to tolerate perceived rejection and abandonment and, at such times, she will lapse into episodes of self-doubt, affective instability, impulsive behavior, and angry rages. While she may initially idealize others, she will frequently devalue others when she feels that the other person is unable to meet her excessive needs for support and attention. Suicidal ruminations or behavior frequently is found in such individuals such as has been the case with Mrs. Smith. There was no indication, however, to suggest that Mrs. Smith poses a danger to herself at this time although she is mild to moderately depressed over her current situation with significant anxiety. She will show frequent shifts in her behavior and moods such as changing from being needy and wanting nurturance to defending herself from perceived mistreatment. Displays of intense anger and rage may be followed by expressions of shame and guilt. Cognitive slippage and transient psychotic, paranoid thinking may be evident during heightened periods of stress. While not seen as a danger to others at this time, one has to be concerned about Mrs. Smith's impulse controls and judgements during her rageful episodes. Mrs. Smith's interpersonal relationships and ability to maintain relationships will be aversely compromised by the dynamics cited above.

David Smith, age 45, presented as a pleasant, soft-spoken man who has somewhat overweight but appropriately attired. He occasionally showed a sense of humor, showed a relaxed, passive style, went into his story in great detail, and seemed to enjoy the opportunity to discuss his situation. He was somewhat subdued, serious at times, and dysphoric in his presentation. There was a distant, self-absorbed quality to him. No evidence of a thought disorder was apparent during the clinical interviews. Intelligence was formally assessed and will be described below. Mr. Smith was given the same psychological tests that had been administered to Mrs. Smith when he was seen for approximately seven sessions in a three month period ending in July of 2001.

While full background information will be deferred at this time, it was noted Mr. Smith was raised in Ohio on a farm, came from an intact family, and was the third of seven children. He described his childhood as "happy" with a focus on family and education. He was always a good student, liked to read, played the piano, and did not display behavioral problems. He did suffer a tragedy at the age of 19 when his ten year old brother dies in a farm accident ("I didn't understand why things like that happened"). No substance abuse or family history of mental illness was reported. Mr. Smith later went on to college and graduate

school in business before setting on a career in the financial field. He has one previous marriage of three years (no children) before marrying Mrs. Smith in 1991. Mr. Smith filed for divorce in January of 2001.

According to Mr. Smith, his wife had become pregnant while they were dating and he had had reservations about the marriage. He felt it has been a "difficult" ten years (e.g., marital conflict, employment problems, financial difficulties) and that various mental health professionals have tried to keep the marriage together. Mr. Smith has been seen in individual psychotherapy for several years with David Greenfield, Ph.D. He indicated that his wife was angry, volatile, controlling, manipulative, and demanding from the early days of their marriage and would show violent behavior (e.g. throwing a knife, stabbing him with scissors, assaulting him, destroying property). The police were called on several occasions as a result of their domestic disputes and, on two occasions, he was arrested. He noted that his wife would show mood swings, would become depressed and at times suicidal (e.g., threatening to drive off a cliff). Evidently she was briefly hospitalized on one occasion in the 1980's although the circumstances are unclear.

Mr. Smith's interest in Eastern religion was also a source of contention in the marriage. Mr. Smith further felt that his wife was obsessed with Taylor and this too created conflict. He felt that he has not been allowed to develop a bond with Taylor since his wife would not allow him independence in his child-rearing. He also feels that some of his wife's negative characterizations of him are due to the fact that she would take his jokes seriously (e.g. when she was calling him excessively at work, he would say she was attacking the State of Bavaria since he works for the Bank of Bavaria). He feels that his wife is unstable as evidenced by her recent arrest for distributing vindictive flyers and thus harassing a female friend of his. Mr. Smith denied that he had had relationships outside of marriage up until the time of his filing for divorce. He also denied being violent in the marriage to either his wife or Taylor although he admitted he has engaged in passive-aggressive behavior at times. He feels that his wife lies and distorts events to suit her purposes. At this time he feels Taylor has been held "hostage" by his mother and he has been alienated from his father. Taylor frequently objects to visits with his father although Mr. Smith feels Taylor has a good time once he spends some time with him. ("She uses him as a weapon to stop the divorce"). Mr. Smith wants greater access to Taylor and to have regular and consistent visitation with him. He would like to work with his wife to establish communication even as he moves ahead with their divorce.

Mr. Smith level of intellectual functioning was estimated to lie in the upper limits of the average range with a Full Scale IQ of 108. He also obtained a Verbal IQ of 111 (lower limits of the high average range) and a Performance IQ of 104 (average range). He displayed average to above average ability on the verbal subtests which measured vocabulary knowledge, abstraction ability, range of information, social judgement, and attention/concentration ability. While he showed high average ability on the subtest which measured new associative learning capacity, he scored in the average range on the non-verbal subtests which measured alertness to the environment and analyzing/synthesizing ability. A non-verbal measure of social judgement fell in the low average to average range. Mr. Smith was thus seen as a bright man with good cognitive skills. A separate measure of perceptual-motor ability fell in the normal range as Mr. Smith displayed good execution and planning of the drawings.

Personality and projective testing depict a somewhat anxious, defensive and guarded man who seems to be underreporting his symptomatology in an effort to present himself in a positive light. He is characterized as hard-working, self-assured, persevering, dependable and trustworthy. He will have confidence in his opinions and values, will be trusting of others, and will display a strong need for affection. Nonetheless, he may relate to others on a superficial basis and have difficulty establishing intimacy with significant others. He may tend to repress or otherwise avoid disagreeable affects. While he is generally in control of his emotions, at times he will show exaggerated aggressive behavior with little apparent provocation. Nonetheless, there was no evidence to support Mrs. Smith's contention that her husband is prone to violent and out of control behavior. Despite his somewhat aloof and distant manner, he will show a dependency and need for support from others. He may show a concern for appearances and need to be seen by others as composed and virtuous. His reality testing appeared intact and there was no evidence of any cognitive

distortions. Diagnostic impression – Personality Disorder Not otherwise Specified with passive-dependent, passive-aggressive features (rule out schizotypal features).

Taylor Smith, age 9, presented as a handsome, bright, inquisitive 4th grader who appeared despondent, sullen, and anxious. He showed a good attention span, worked hard at required tasks, and seemed to give his best effort. Taylor frequently would indicate that he hates his father for the divorce, is afraid of him, and does not want to have visits with him. "I'll never forgive him". Taylor even called the examiner on one occasion and left a message that he did not want to see his father and that he is not being "brainwashed" by his mother. He stated that his father is "crazy", he drools and spits, drives too fast, and has previously thrown Taylor against a glass table. Taylor admitted that he sometimes cries when he is alone and he recalls the fund times he used to have when his family was intact. He feels that his father has ruined his life and it is all due to his father's "girlfriend". Taylor also stated that his father rubs "his private part" but denied that his father ever had sexual contact with him. Taylor described an extremely close relationship with his mother who evidently spends much time with him. Finally, Taylor stated that he does well in school except for English, he has many interests, and he has several friends.

Taylor was administered various psychological tests as part of the evaluation when seen for approximately six sessions in June and July of 2001 including the Wechsler Intelligence Scale for Children III, Wechsler Individual Achievement Test II, Bender Test, House-Tree-Person, Incomplete Sentences Test, and Thematic Apperception Test. Taylor's level of intellectual functioning was estimated to lie in the very superior range with a Full Scale IQ of 125. He also showed a Verbal IQ of 132 (very superior range) and a Performance IQ of 112 (high average range). These scores were in the 95th, 98th, and 79th percentiles, respectively. While range of information and vocabulary knowledge fell in the high average range, abstraction ability, arithmetical reasoning ability, and social judgement all fell in the superior to very superior range. In terms of non-verbal ability, he showed an average alertness to the environment and an average ability to integrate disparate parts of the whole. A non-verbal measure of social judgement fell in the low average to average range while new associative learning capacity fell in the high average range. Analyzing/synthesizing ability fell in the superior range. In general then, Taylor displayed excellent cognitive skills, particularly in the verbal area. Taylor's perceptual motor ability on the Bender Test was age-appropriate. His achievement scores on the WIAT-II showed excellent ability in math-reasoning (standard score of 131), high average word reading skills (standard score of 114), and average (high end of the average range) spelling skills (standard score of 109).

Personality and projective testing suggest that Taylor experiences depressive, helpless feelings seemingly related to the parental divorce. Noteworthy is the fact that his drawing of a tree was described as a "dying tree". There was also evidence to suggest that Taylor manifests angry, hostile feelings which will surface on occasion. Clearly Taylor is confused, conflicted and troubled by his situation. He feels powerless to change the current state of affairs, he feels angry that his world has been disrupted, and he is grieving the loss of his intact family. He feels vulnerable, anxious, and insecure. He seems to identify with his mother's plight, feels responsible for her, and worries that she will not be able to care for herself. Taylor is actively engaged in the marital conflict and worries that his needs will go unmet. Classifying his parents as either the "good" or "bad" parent seems to be the only way he can reconcile his divided loyalties. Additional test responses suggest that Taylor experiences a low self-esteem, has trouble making friends, and feels that he is not "popular". He states that he needs "two parents at a time not one" and he failed "at being what my dad wants".

In conclusion, based on the results of this evaluation, this examiner has serious concerns about the well-being of Taylor Smith. This youngster is being cast in the role of ally and confidant for his mother in her on-going marital conflict. Taylor was portrayed as a bright, inquisitive, sensitive child who has been inappropriately exposed to parental issues. He holds his father responsible for the break-up of this family and thus shows angry, defiant, and disrespectful behavior towards the paternal figure. Taylor does seem prone to fabricate, distort, and exaggerate incidents in his attempt to portray Mr. Smith as the villain. Taylor has an enmeshed relationship with his mother and acts as the parentified child to his needy and fragile mother. Taylor has displayed evidence of his anger and rage towards his father. A positive sign is

the fact that Taylor's anger is close to the surface and he does seem able to express his anger directly to his father. Unfortunately, Taylor views positive feelings towards his father as a rejection and abandonment of his mother. One can expect that Taylor's emotional state will further decline should the present situation continue as it has. While continued individual psychotherapy is recommended for Taylor, equally important would be father-son sessions which could assist Taylor in reconciling ambivalent feelings about his father. Taylor does seem to have a connection to his father and, in fact, reportedly responds more positively to Mr. Smith after a period of time together. While the focus of this evaluation did not center on custody issues, it would appear that Taylor could profit from longer visits with his father to improve the father-son relationship.

Mr. David Smith was portrayed as a bright, cooperative, pleasant man who is experiencing much stress related to his present situation. It appears he had agonized over his marriage for many years before making a decision in the past year to go forward with a divorce. Mr. Smith was depicted as a passive-dependent man who at times may show passive-aggressive features. Nonetheless, there was no evidence to suggest that Mr. Smith would be prone to violent behavior as Mrs. Smith alleged. While he may have been provoked at times by Mrs. Smith's overbearing and controlling behavior and even displayed aggressive behavior in the marriage, it appears that Mr. Smith generally has adequate controls. There also was no evidence to suggest that Mr. Smith has been physically abusive towards Taylor or would have engaged in the sexually inappropriate behavior which Taylor has alleged. While Mr. Smith can appear somewhat withdrawn, preoccupied, and distracted, his reality testing was intact and there was no evidence of any cognitive distortions in either the clinical interviews or the formal testing. He was seen as a loving father who wants to remain involved in Taylor's life. While he may at times show some insensitivity in his comments and jostling with Taylor, he does seem capable of exercising good judgement and responsible child care. Since Mr. Smith had apparently been disempowered in his parenting role over the many years of his marriage, he will need time alone with Taylor to further the father-son bond. It is thus recommended that Mr. Smith have increased time with Taylor despite Taylor's resistance in such contact. Taylor needs to know that he is not empowered to define parental visitation and that such contact is in his best interest. This examines further recommends continued psychotherapy for Mr. Smith since he seems to be profiting from his treatment.

Finally, Mrs. Dyane Smith was depicted as a loving, caring, involved mother who is extremely devoted to Taylor. Mrs. Smith is totally committed to her parenting role despite her ambivalence years ago, about having children. She gives much attention to Taylor, is involved in all his activities, and works towards effectively structuring his life. She is warm, affectionate, and reinforcing of Taylor. Taylor, in return, has a very close, bonded relationship with his mother. It is she he turns to when he wishes to receive support, guidance, and reassurance. Mrs. Smith was seen as very bright, creative, funloving, spontaneous, and nurturing.

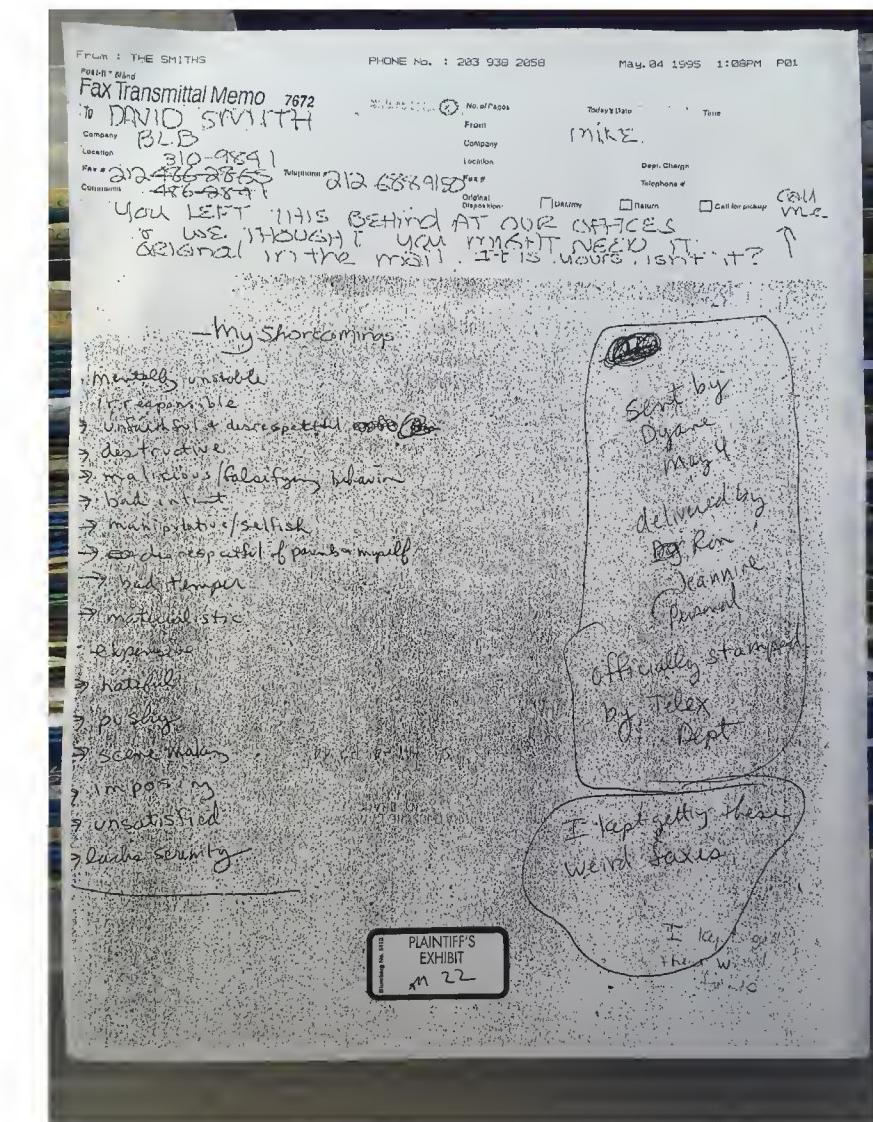
Nonetheless, despite her many strengths, Mrs. Smith has little insight into the distorted way she views Mr. Smith. She portrays her husband as the violent perpetrator of marital discord when, in fact, the present evaluation suggests that is Mrs. Smith who is the one who more frequently lost control and displayed violence in the marriage. She shows histrionic, borderline, and narcissistic features marked by emotional lability, overreactivity, impulsivity, and rageful behavior. She sees the world as she would like it to be, rather than the way it really is. Clearly Mrs. Smith has suffered a narcissistic injury resulting from the pending divorce and now feels vulnerable, lonely, and insecure. It is not surprising then that Mrs. Smith turns to Taylor for support and help ward off her depression. It appears that she has overwhelmed and overburdened Taylor who takes on a protective role with his mother. In fact, Taylor overidentifies with his mother's situation and perceives her fragility and neediness. Based on the results of this evaluation individual psychotherapy is recommended for Mrs. Smith along with a psychiatric consultation to explore the use of medication. It is hoped that with treatment Mrs. Smith will gain greater controls and more insight into her behavior which has caused significant parental alienation (Parental Alienation Syndrome, Gardner, 1985).

This completes my psychological evaluations of the above-named individuals. Since custody issues were not the focus of this report, I will defer such discussion at this time. If you should need any additional information concerning my findings, feel free to contact me at 748-7772

Sincerely,

Dr. Colen

My shortcomings list faxed to BLB 1995:



David Smith withholding calculations:

<u>DAVID R SMITH WITHHOLDING CALCULATIONS</u>		
Annual Salary	\$134,860.10	
TOTAL WITHHOLDING ORDER	\$2,500.00	
AMOUNT OF WITHHOLDING PER PAYCHECK (after Social Security has been maximized)	2,674.73	
AMOUNT OF WITHHOLDING PER PAYCHECK (before Social Security has been maximized)	TBD	
WEEKLY WITHHOLDING CALCULATIONS AFTER SS IS MAXIMIZED		
1 Obligor's gross income per week	2,593.46	
2 Federal Income tax withheld	185.03	
3 Federal employment tax	36.09	
4 State Income tax withheld	102.86	
5 Local Income tax withheld	56.39	
6 Normal retirement contribution	155.61	
7 Union dues and initiation fees	0.00	
8 Group life insurance premium	0.00	
9 Health insurance premium	0.00	
10 Total allowable deductions (add lines 2-9)	<u>535.98</u>	
11 WEEKLY DISPOSABLE INCOME	<u>2,057.48</u>	
12 Weekly Disposable Income minus 85% of the first \$145	1,934.23	
13 BOX B - 60% of Weekly Disposable Income	1,234.49	
14 Amount Available for Withholding (lesser of lines 12 & 13)	1,234.49	
15 Amount of weekly Withholding (lesser of line 14 and TOTAL WITHHOLDING ORDER)	1,234.49	

Page 1

The First Appeal:

APPELLATE COURT

STATE OF CONNECTICUT

APPELLATE DOCKET NO. 22760

DAVID R. SMITH VS. DYANE W. SMITH

BRIEF OF THE PLAINTIFF-APPELLANT

DAVID SMITH, PROSE, PLAINTIFF
230 EAST 52nd STREET, APT 4C
NEW YORK, NEW YORK 10022
[\(212\) 688-2010](tel:(212)688-2010)
[\(212\) 658-9654](tel:(212)658-9654) FAX

DYANE W. SMITH, PROSE, DEFENDANT
24 RIDGEWOOD DRIVE
REDDING CT 06896
[\(203\) 938-4848](tel:(203)938-4848)
[\(203\) 938-0123](tel:(203)938-0123) FAX

1. Statement of Issues

(a) There was no factual support for the Pendente Lite order of Alimony and Child Support. The order was extremely excessive. The format and structure of the order was not appropriate.

(b) Whether it was proper for the Court to order that the Minor Child could not be taken to another mental health professional.

2.) Nature of Proceedings and Facts of Case

a.) PL Alimony order

The Court ordered the Plaintiff to pay \$2,500 a week in Pendente Lite, Alimony and Child Support on 9/26/01

\$2,500 a week is equal to \$130,000 per year.

The Plaintiff was employed at Bayerische Landesbank with a gross salary of \$130,000 per year.

The only fixed and certain income the Plaintiff has is from his Bank Salary.

The Plaintiff tried to startup a side business named TradeSmith LLC, in the beginning of 2000, that was intended to replace his Bank job if successful enough.

The side business's income was variable and only made performance-based pay from investment management.

b.) Child's mental health

The Minor Child was not receiving effective therapy and the emotional well-being of the Minor Child was not protected.

3.) Argument

a.) The Court's financial order presumed that the Plaintiff had undisclosed assets, which the Plaintiff did not have. There was no evidence of such assets. The Plaintiff testified that his only assets were those shown on the Financial Affidavit. Even if the Trial Court disbelieved him there was no evidence that it might have believed instead showing that he had greater assets. The Court did not make a correct assessment of the Plaintiff's earnings capacity. The Court also did not structure an order that was anything but impossible to comply with. It is impossible to pay fixed on variable income. The only earnings capacity the Plaintiff had was his Bank Salary. All other income was variable. The Plaintiff's other income in the past come from stock market returns. Mostly from bull market movements. The Plaintiff prior to trial had not made any additional stock market income for 15 months prior to trial. The stock market has not risen as of the time of this writing for two years now. It was inappropriate for the Court to order a fixed amount to be paid on variable stock market related income. The side business was not intended to co-exist with the Bank Job for a long time. Transitory stock market returns can not be determined to be earnings capacity.

The Court also did not read psychological reports in advance of the trial that indicated that the Defendant was borderline and narcissistic. Thus the Court did not anticipate that the Defendant's testimony might be a dishonest campaign of denigration and the Defendant's \$17,000 per month Financial Affidavit might be an exaggerated act of malignant narcissism. The campaign of denigration included false allegations of offshore accounts which apparently made an impression on the Court as the Court later said "the whole case hinged on whether he has offshore accounts". The Plaintiff believes the Defendant induced three delusional beliefs in the Court 1.) the Plaintiff had offshore accounts 2.) past stock market returns could be repeated 3.) the Plaintiff was a spender. The Court saw the world the way the Defendant wished it to be and not the way it really was. In actual fact the Defendant was a big spender and her Financial Affidavit and psychological diagnosis reflected it. The Court refused to listen to past information about the Defendant even though it listened to information about past income. The Court did not accord to the Plaintiff's attorney the full right to be heard under the law. The Defendant's used spending as a primitive defense mechanism against divorce – as in spend all the Plaintiff's money so he can not get a divorce. The Defendant induced Parental Alienation Syndrome (PAS) in the child from birth, violated automatic visitation orders, took the child hostage and demanded the Plaintiff go on vacation with her to see the child on vacation. The Court severely punished the Plaintiff for wanting to see his son by preventing him from having adequate visitation. The Plaintiff also had to spend money to secure a safe place to live as the narcissistic borderline wife was extremely abusive and it was difficult to work while living with her. The Court failed to understand the real reason why the Plaintiff left which was to secure his real earnings by avoiding borderline rageful episodes, night raids, night rage, psychotic calls to 911.

The psychological evaluation written by Robert S. Colen on 7/26/01 states that the Plaintiff is "characterized as hard-working,

self-assured, persevering, dependable and trustworthy". Dr. Colen stated that the Defendant "will tend to exaggerate, distort, and manipulate to draw people to her cause." The Court ignored this report and said that the borderline Defendant's evidence and testimony was credible. As the Plaintiff is prepared to bring about 200 counts of perjury against the Defendant, this claim seems unlikely to be true.

b.) On April 30th, 2001 the child's therapist, Dr. Gerald Arndt, failed to diagnose that the child was PASed from birth, failed to understand the independent thinker phenomenon associated with PAS and made recommendations to the Court that reinforced, promoted, and further induced a significant PAS in the child. In fact the custody stipulation of 4/30/01 denied the father overnight visitation as a result of borderline false allegations induced in the child and delivered by the borderline mother. The therapist Dr. Gerald Arndt was at the time a Folie-A-Trois therapist as defined in the book, Parental Alienation Syndrome, by Dr. Richard Gardner. (see page 50, 166, 203, 213-214, 321, 384) The Court participated in the folly and further induced PAS in the child with the 4/30/01 custody stipulation sending a message to the Minor Child that his father was not credible. This destructive decision has induced in the Minor Child long-term emotional scars that will take a lifetime to heal. It was not reversed until Dr. Robert S. Colen completed his psychological evaluation of the whole family on 7/27/01.

This Brief complies with all the provisions of rule 67-2

4.) Conclusion

a.) All the PL Alimony order did was in the words of the Plaintiff's boss, "put your only secure job at risk". The order because of it's absurd structure was destructive. The order should have been about half of the bank salary with a percentage of variable income. The Court was careless the way it handled this borderline divorce and said "I'm sick of the case" and "I have no desire", when it was necessary for the Court to intervene as it is impossible to negotiate or settle with a borderline Defendant.

b.) The Plaintiff needed to be able to take the Minor Child to a therapist trained in PAS so the emotional well-being of the Minor Child is addressed.

The Church Flyer:

Jamie Mosedale
a recently divorced woman
and new member of our church,
has chosen to commit **adultery** with a
married man who has a wife and small child.
With complete contempt for God's Commandments,
she flaunts their adultery in and about our town,
despite the damage this does to her child and his family.
As Christians, it is only right that you pray for her sins, in the meantime,
keep your children and husbands away from this kind of woman.

First Christine Lawson Letter

Christine A. Lawson, Ph.D., L.C.S.W.
Suite 50 Boone Woods Office Park
Zionsville, IN 46077
(317) 873-1080

December 24, 2001

Robert M. Opotzner
Collins, Hannafin, Garamella, Jaber & Tuozzolo
Attorneys at Law
148 Deer Hill Avenue, PO Box 440
Danbury, CT 06813-0440

Dear Mr. Opotzner,

I am writing regarding the custody case of Taylor Smith. Mr. David Smith sent me a number of documents, drawings, and excerpts from discussions with Taylor that should alert the court to the serious nature of Taylor's situation. As author of *Understanding the Borderline Mother: Helping Her Children Transcend the Intense, Unpredictable, and Volatile Relationship*, it is obvious that Taylor is a child who is emotionally trapped by a mother who exhibits a pattern of vindictive behavior. I understand that she has refused treatment. This tragic situation puts her child at high risk for developing the same behavior that is indicative of borderline personality disorder. In fact, vindictive rage is evident in Taylor's recent behavior. Taylor recently announced to his father, "I am going to make your life a living hell . . . I am going to use the part of my brain that hates."

What does it take for the court to understand that this child is in danger? Have they not seen Taylor's Father's Day card of the graveyard? This child is learning to hate, not to love. It is only a matter of time before he is a grown man, filled with hatred for both parents. This is the time for the court to take action and find a refuge for this child (such as a psychiatric boarding school).

It has been almost three years since Taylor's elementary school principal sent a letter to his mother explaining that Taylor had told a classmate that he was "going to get a gun and shoot him." Mrs. Smith refused to meet with the principal to discuss the situation. This child is learning to hate, wants to kill, and absolutely nothing is being done about it. Any adult who knows about this situation should have difficulty sleeping at night. The situation is urgent.

With grave concern,

Christine Lawson, Ph.D.

Christine Lawson Letter to Susan Poll:

Christine A. Lawson, Ph.D., L.C.S.W.
Suite 50 Boone Woods Office Park
Zionsville, IN 46077
(317) 873-1080
January 10, 2002
Attorney Susan Poll Ellis & Trattner, P.C.

Attorneys at Law
27 Mill Plain Road
PO Box 2298
Danbury, CT 06813-2298

Dear Susan Poll,

I am writing regarding the custody of a nine-year-old child, Taylor Smith. After reviewing hundreds of pages of documents, including Dr. Robert Colen's psychological evaluation of Taylor and his parents, I am writing to appeal to the court to intervene in this child's behalf. It has been suggested that my concerns are not justified because I have never met Taylor. Yet concerns expressed by professionals who have met and evaluated

Taylor were also dismissed. In a letter dated July 26, 2001, Dr. Colen stated: "

.. based

on the results of this evaluation this examiner has serious concerns about the well-being of Taylor Smith." I am certain that those who are responsible for determining the fate of Taylor Smith are people of good will. But as Dr. Martin Luther King once said, "Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will." Dr. Colen's conclusion regarding the character structure of Taylor's mother

warrants the court's immediate attention. Dr. Colen reported that Mrs. Smith

"... shows

evidence of a mixed personality disorder with histrionic, borderline, obsessive-compulsive and narcissistic features." In addition, he warned that "cognitive slippage and transient psychotic, paranoid thinking may be evident during heightened periods of stress. While not seen as a danger to others at this time, one has to be concerned about Mrs. Smith's impulse controls and judgment during her rageful episodes. Mrs. Smith's interpersonal relationships and ability to maintain relationships will be severely compromised by the dynamics cited above."

A child with a borderline mother may be fiercely protective of his vulnerable and volatile mother. Some borderline mothers cultivate this protectiveness by telling their children, "you are the only person in the world who loves me; you are all I have in the world; if anything happens to you I'll kill myself." Yet, at other times, in rage and despair, these

mothers may tell the child, "you ruin everything. I wish you'd never been born. You owe your life to me." Borderline mothers fluctuate between extreme displays of love and hate. These behind-the-scenes dynamics are described in detail in my book, Understanding the Borderline Mother: Helping Her Children Transcend the Intense, Unpredictable, and Volatile Relationship (2000, Aronson Publishers).

In addition, some borderline mothers threaten or attempt suicide in order to prevent abandonment. Consequently, their children are plagued with guilt and feel totally responsible for their mothers' life. They may be terrified while living with her but they are equally terrified of leaving her. Without intervention, these children are at risk for developing borderline personality disorder. Prisons are filled with men who suffer from borderline personality disorder because they are unable to control their violent

impulses. A child who has never lived peacefully in his own home is not likely to live peacefully in society as an adult.

No child should be left alone with a parent who is prone to psychotic episodes. Some borderline mothers have threatened to drive off bridges or cliffs with their children in the car and one mother actually ran off the road, flipping the vehicle after her seven-year-old daughter announced that she wanted to live with her father. In a correspondence sent to Mr. Smith, Mrs. Smith stated, "I believe that something terrible will happen to us if you persist in this." Indeed, something terrible could occur. Some mothers who suffer from borderline personality disorder are unable to recognize the destructive consequences of their disorder. The most seriously disturbed mothers, however, are too distrustful to seek help and may denigrate the mental health profession.

Borderline mothers who refuse to seek treatment keep their children trapped in despair.

Such children lose all sense of security and protection, and may eventually lose faith in humanity. A child who loses faith in the justice system may take justice into his own hands as an adult. Therefore, we cannot afford to abandon our conviction to the ideals of freedom, justice, tranquility, and the welfare of even one child. Our duty extends beyond our responsibility for our own children, our own job, and our own community.

I write this letter of my own free will, accepting no payment or compensation, but merely to express genuine concern for Taylor Smith. If court documents and copies of evaluations by mental health professionals are reliable then my concern is clearly

justified. As citizens of the United States we are morally and legally obligated to protect children. The law requires mandatory reporting of cases of suspected child abuse with serious penalties for failure to comply.

We cannot compromise our values or sacrifice justice without having to answer to our conscience which demands that love triumphs over hate. The consequences for failing to intervene in Taylor's behalf have already taken a tragic toll on his development. I implore the court to grant Taylor Smith the justice he deserves and free his withered spirit.

Sincerely,

Christine A. Lawson, Ph.D.

Fathers Day Card:



Judicial Review Council Statement of Facts:

David R. Smith
230 East 52nd Street, Apt. 4C
NY NY 10022
Judicial Review Council
505 Hudson Street
P.O. Box 260099
Hartford, CT 06126-0099

Statement of Facts:

The case in question is David R. Smith vs. Dyane W. Smith, Family-Dissolution of Marriage, filed in Danbury Superior Court, January 12th, 2001. Docket Number: FA-01-0341470S, Judge Deborah Kochiss-Frankel

I went to court to get a divorce and treat my wife's mental illness and save my son from my wife's personality disorders. The wife was a treatment-resistant borderline and the minor child, Taylor Leland Smith was diagnosed with Parental Alienation Syndrome.

I left home to protect my job from my wife's rageful episodes, borderline night rage and night raids (a night raid is illustrated by the wire hanger scene in the movie Mommie Dearest) and too many psychotic calls to 911.

At Court the Judge then effectively ordered me fired from my Job with an order that was psychotic in nature.

She listened for three days to the testimony of a borderline wife, who induced in the Judge a 297.3 DSM IV (Shared Psychotic Disorder) or

Folie-a-Deux, mood congruent delusional belief that the plaintiff had offshore accounts. In the words of my attorney, John Jowdy, "she

convicted me on no evidence" of having offshore accounts. In three days of testimony she was not able to identify that the defendant was a borderline liar. Most people who are good judges of character are able to identify a borderline liar in about five minutes. On 9/25/01 she ordered one of the most undeserved Pendente Lite order of Alimony and child support ever issued in a court of law to a defendant that was diagnosed as "psychotic under stress" and was a PAS inducing mother. She chose to find me guilty until proven innocent of having offshore accounts instead of the reverse - innocent until found guilty. As she chose to find me guilty until proven innocent she also ordered an order that was coercive and three times too high. The order was 330% above what the paystub information suggested was half of the pie. The order would end up bankrupting the family. She apparently relies on feelings instead of facts to make her decisions.

When Wall Street traders make mistakes they lose millions of dollars for their firms and get fired. When Judges make mistakes they destroy people's lives. This Judge seemed not to care if she did. She said she

"was sick of the case" and "I have no desire". It is the opinion of this writer that Judges that are prone to psychotic breaks should not remain on the bench. Pro bono publico – so it does not happen to another person.

Sometimes one mistake will lead to another. Perhaps she would not have made the above mistake if she had not made a prior mistake of neglecting a child.

On 7/27/01, the examiner Robert S. Colen completed a psychological evaluation of the whole family. The report indicated that the defendant had mixed personality disorders with histrionic, obsessive-compulsive, borderline and narcissistic features and was psychotic under stress.

When the Judge heard that the report was highly negative for the mother, she ordered that the report be frozen so other mental health professionals could not read it. She did not bother to read the report that she heard was so negative and thus neglected the well-being of the minor child. If she had read the psyche eval report it might have occurred to her that the testimony of the defendant was nothing but a borderline campaign of denigration and that the defendant's

\$17,000 a

month financial affidavit was just an act of malignant narcissism. One mistake lead to another or in this case, child neglect then lead to a psychotic break.

When it was pointed out to her that the defendant was borderline, she was too stubborn to change the order and simply continued the Misconduct. One would have to assume she is not good at admitting to mistakes. On 12/19/01 in fact my attorney, John Jowdy told me I had "extreme risk of incarceration" and that the Judge said "The whole case hinged on whether I had offshore accounts". Apparently the Judge felt incarceration might be a good way to bury her mistakes. She showed no responsibility for the social impact of her actions and would incarcerate an innocent man, cause him to lose his job and embarrass a foreign bank on billions of municipal investment contracts that provide funding for millions of children at their schools and colleges.

On 1/17/01 she continued to issue coercive orders to help cover up her mistakes:

She ordered that the examiner Robert S. Colen could not talk to the father/son therapist Judith Shapiro.

She also ordered that the Family Services Custody Study evaluator could not talk to the father/son therapist Judith Shapiro. Clear this would have been relevant to the case as the minor child had Parental Alienation Syndrome (PAS)

And lastly, she ordered that the minor child, Taylor Leland Smith could not be taken to another mental health professional. This was a repulsive act of child neglect. The child had been going to what is called a folie-a-trois therapist as defined in the book Parental Alienation Syndrome, by Richard Gardner, page 50, 166, 203,

213-214,

321, 384.

She denied the child effective therapy to combat the effects of

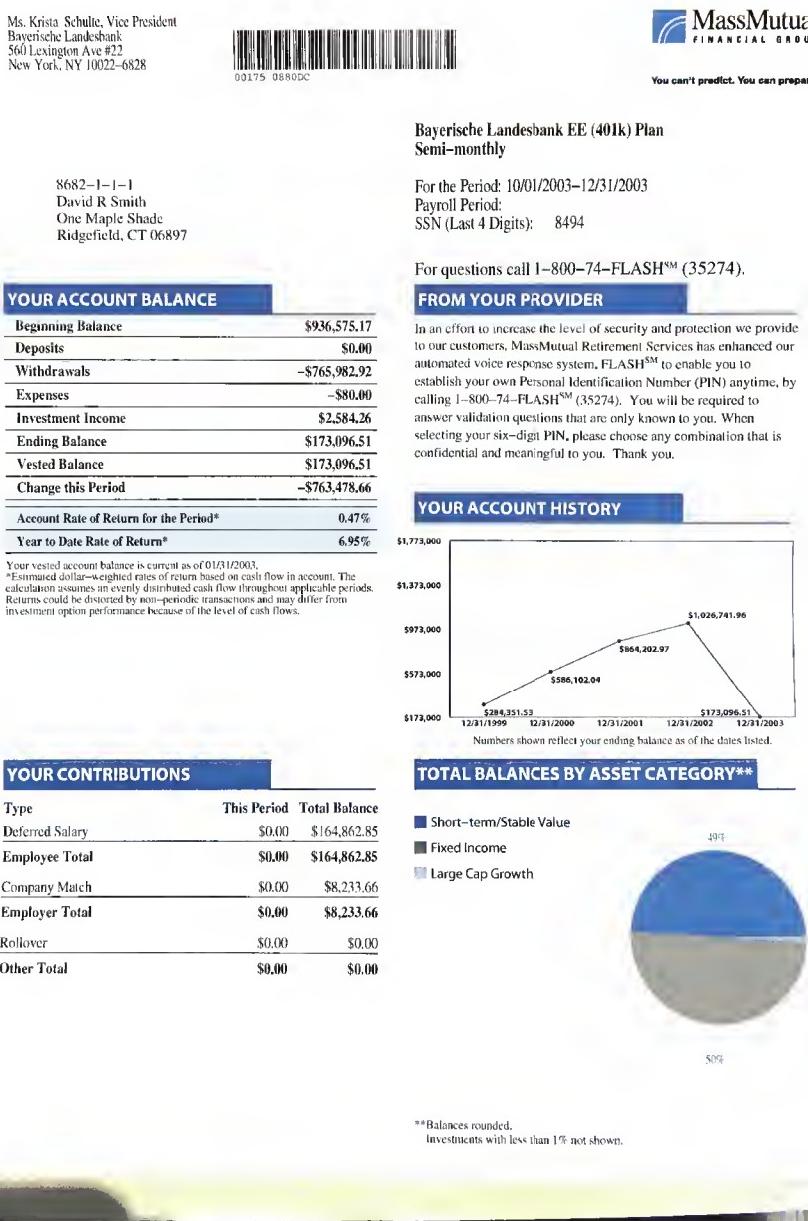
brainwashing associated with PAS I found this order repulsive and appealed it to the Appellate Court.

I need the Appellate Court to hear the case immediately! Even an expedited case is not heard soon enough to stop the irreparable harm caused by this Judge's actions.

I will also need a letter of explanation to all my creditors explaining that the nonpayment of all my accounts was due to the Judge's psychotic break.

The case was one of the most mishandled borderline divorces in history, it bankrupted the family, neglected the child and at the time of this writing created so much pressure that it could cause the father to lose his job.

Mr. Smith's 401k destroyed:



Motion to Stay

DOCKET NUMBER: FA010341470S SUPERIOR COURT

DAVID R. SMITH JUDICIAL DISTRICT OF DANBURY

VS. AT DANBURY

DYANE W. SMITH FEBRUARY 27th, 2002

PLAINTIFF'S MOTION FOR A DISCRETIONARY STAY OF EXECUTION OF THE PENDENTE

LITE ORDER FOR ALIMONY AND CHILD SUPPORT ENTERED 9/26/01

The motion is entered under section 61-12 of the Rules of APPELLATE PROCEDURE as a motion for a stay until the final determination of the cause. The plaintiff moves that the order be stayed until the Appeal is completed.

SUITABLE SECURITY

The Court made the statement "If he has offshore accounts, he loses all his assets in Connecticut including the house and the whole 401k". Also the Court stated that "the whole case hinges on whether he (the plaintiff) has offshore accounts" At the Court's suggestion suitable security will be the house and the whole 401k.

The grounds for the foregoing are:

1.) The order has caused and will cause further irreparable harm. The order is destructive. A.) The order requires the plaintiff to borrow \$2,500 of new joint family debt per week. The plaintiff's requirement to borrow \$2,500 per week in new joint family debt greatly interferes with his employment, greatly stresses the plaintiff and requires him to harass other people for money. The plaintiff believes this is immoral. It does not require \$2,500 a week to raise one child.

B.) The order has smashed the credit and credibility of the plaintiff.

Figuratively speaking the defendant put flyers on all the cars in Wall Street stating that her husband was not credible. Since the money management business is 100% dependent on credibility, the order should be stayed until the Appellate Court determines if the plaintiff's financial affidavit was factually correct. TradeSmith has collapsed under the order and can not recover until the credibility of the plaintiff is re-established. The plaintiff claims his right to have a

new public document printed that reflects the truth. The order should change to the figure Mr. Jowdy suggested until the Appellate Court determines if the plaintiff's financial affidavit was factually correct. It is in the best interests of the minor child that the plaintiff's credibility be re-established as it will recover his earning power to support the child. Each week the case can not settle, the defendant is under stress, the defendant has been diagnosed as psychotic under stress and the minor is under her care and he is exposed to increased verbal and emotional abuse associated with parental alienation syndrome. And each week the minor is denied effective therapy to remove psychiatric disturbances shared with the minor by his Mother. Each week the minor child goes to a folie-a-trois therapist who has a 297.3 DSM-IV (Shared Psychotic Disorder) that the words the minor child tells him are true. The Colen Taylor Update as well as the Family Services Custody Study will show that the therapist Dr. Gerald Arndt did not make any progress in removing the PAS and psychotic delusions of the child. On 12/18/01 the Department of Children and Family stated that emotional neglect in regards to Taylor Smith by both his parents was substantiated in that he is being permitted to live under conditions, circumstances or associations that are injurious to his

well being due to his parents continued conflictual divorce and placing the child in the middle of their disputes which has resulted in his acting out. It is the recommendation of DCF that the parents do not allow their child's well being to be placed at risk and work as amicably together as possible. On appeal to the DCF, the plaintiff will make the claim that the long conflictual divorce is due to the misdiagnosis of Dr. Gerald Arndt and malpractice and this standing order that does not allow the case to settle for the simple reason that the order is virtually impossible to pay and set at 170% of the plaintiff's base net paycheck. The case will never settle until the abuse of the child stops. The plaintiff will accept incarceration on a false conviction of having offshore accounts before he will allow his son to be imprisoned by his mother's personality disorders and allow the continuation of severe parental alienation syndrome.

C.) The order incurs additional legal expenses as the case can not settle until the order is changed to the figure Mr. Jowdy suggested. The minor child is exposed to the pressure of an extremely hostile divorce because the financial order is three times too high with respect to the plaintiff's paystub information and the case can not settle.

2.) It is the purpose and task of the Appellate Court to determine if the plaintiff had offshore accounts.

3.) The Appellate Court will determine if the order was coercive.

4.) The order is three times too high based on factual information such as the plaintiff's paystub. The plaintiff can not pay the order without constantly borrowing more money.

5.) The plaintiff claims the right to retain at least some of his earnings to live and be able to work from his paycheck. Currently the plaintiff does not retain a single penny of his paycheck.

6.) The plaintiff claims the Right to Family Integrity. The plaintiff needs to retain at least some of his earnings from his paycheck to be able to pursue custody of the minor child.

7.) Would it not seem proper that a PAS inducing mother receive alimony sanctions for her behavior instead of an order three times above normal?

Legal Note:

Rules of Appellate Procedure, Horton & Cormier, page 101, Under Ahneman vs. Ahneman, 243 Conn. 471, 706 A.2d 960 (1998), the trial court has the power to open a judgement and enter a wholly new one even though an appeal is pending.

The Plaintiff

David R. Smith

Prose

230 East 52nd Street
New York, New York 10022

(212) 688-2010

CERTIFICATION

This is to certify that a copy hereof has been mailed, postage paid, to all counsel and parties of record this 27th day of February 2002, as follows:

Deborah L. Grover, Esquire

42 Main Street

Danbury, CT 06810

Susan J. Poll, Esquire

27 Mill Plain Road

Danbury, CT 06810

David Smith

Motion to Modify alimony:

DOCKET NUMBER: FA 01 0341470S SUPERIOR COURT

DAVID R. SMITH JUDICIAL DISTRICT OF

VS. DANBURY

DYANE W. SMITH March 7th , 2002

MOTION FOR MODIFICATION OF PENDENTE LITE ORDER OF ALIMONY AND CHILD SUPPORT ENTERED

9/26/01

Pursuant to the Practice Book 25-26, the Plaintiff moves for modification of the Pendente Lite Order of Alimony and Child Support entered 9/26/01

On September 26, 2001 the Honorable Deborah Kochess-Frankel ordered the Plaintiff to pay the Defendant the sum of \$2,500 per week pendente lite.

The grounds for the foregoing are:

1) The Plaintiff is employed at a foreign bank in New York named Bayerische Landesbank, the State Bank of Bavaria. The Plaintiff is a provider of municipal investment agreements to municipalities all though out the United States. The dollar amount of these agreements runs into the billions. First and foremost the Court needs to protect the public interest that the integrity of these agreements is not compromised by the actions of the Court. These agreements provide funding for millions of children at their schools and for college student loan funding. This

! 1

will be accomplished by protecting the Plaintiff's job so that the Bank is not embarrassed on these agreements and the millions of children are not neglected. Many of these agreements are with Connecticut Municipalities. The public interest should be placed higher than the Smith Family concerns. This means the Court will accord to the Plaintiff or the Plaintiff's attorney the full right to be heard according to the law regarding this matter. The order should be modified such that the order does not endanger the Plaintiff's employment. The Plaintiff's job is put at risk by the current order. The primary focus should be saving the child's father's job. A new order should be placed no higher than about half the Plaintiff's paystub. At the beginning of the hearing I would like it read into the transcript that "The Highest Priority in this hearing will be to act in the Best Interests of the Millions of Children whom receive financing from the transactions of the Plaintiff" Otherwise, on the 1000 governmental officials which have done trades with the Plaintiff and think he is credible, on

"Understanding Municipal Finance Day at all the schools" will have to have 20,000,000 children write to the Governor of Connecticut asking that the "Superior Court eliminate the violent psychotic attack on their investment agreement provider" And the High Commissioner on Human Rights at the UN and the German Ambassador will have to ask the Superior Court to "eliminate the violent psychotic attack on Bayerische Landesbank's trader" coming from the Danbury Superior Court.

The word count of the hearing will be 99% about

Bayerische Landesbank's \$5,000,000,000 of contracts and 1% about TradeSmith's

! 2

\$5,000,000 of stock positions. The Court will act in a socially responsible manner.

2) The Second Highest Priority should be that the Best Interest of the Minor Child,

Taylor Leland Smith are addressed. Funds are directed towards the Minor Child's psychological care and education. The Minor Child's attorney should attend the hearing to explore ways to direct funds to the Minor Child. The Court must first read at least three times over the psychological evaluation report of the whole family done by Robert S. Colen on 7/27/01 as well as the Colen Update on Taylor Smith. The Plaintiff prefers that there be no hearing at all unless the Court has first read the psychological reports as the Plaintiff wishes that the best interests of the child be given top priority.

3) Modification must take place as soon as possible on the basis that the current order is causing irreparable harm. This is literally an emergency situation. The prior Judge presided over one of the most mishandled borderline divorces of all time and the financial damage done is immense. The current order sent all the Plaintiff's money and other people's money to an insane person and bankrupted the family and the Court needs to try to salvage what is left – the father's job and the child.

4) The Defendant obtained the current order by dishonest methods. In the previous order the Defendant induced a Judge a 297.3 DSM-IV (Shared Psychotic

! 3

Disorder) or Folie A Deux (Folly of Two) (Double Insanity) or mood congruent delusional belief that the Plaintiff had offshore accounts. Until such time as the trial Judge produces evidence we will assume that there is none and that the Plaintiff is innocent until proven guilty. This matter will be decided by the Appellate Court. The Superior Court needs to focus on the facts at hand namely the paystub and the proper practice of the law – that a person is innocent until proven guilty.

5) Because of the crisis situation, the focus of the hearing should be on the immediate financial situation and not on past information. The primary focus should be on the Plaintiff's paystub and only factual information.

6) The Plaintiff does not have enough money to live or work given the current order. The Plaintiff does not even have enough money to see his son. The current order smashed the Plaintiff's credit. The current order is 170% of the Plaintiff's net certain base paycheck and the order is not even close to equitable.

7) The Court has to work on this case because it is impossible to negotiate or settle with a borderline Defendant. The Court will have to do the work necessary to find an order that does not cause irreparable harm to the Plaintiff or the Minor Child.

8) The Defendant based on her behavior does not deserve any further fixed alimony.

Up to now the Defendant put the Plaintiff in a "living hell" with an order that was

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three times too high. The Defendant according to psychological information has induced Parental Alienation Syndrome in the Minor Child. Under modification the Defendant should receive only performance based alimony based on structured language designed by Dr. Richard Gardner, the author of Parental Alienation Syndrome. This will include alimony sanctions for failure to seek psychiatric treatment and for causing PAS in the child etc. In another motion I am moving that Dr. Colen or Dr. Richard Gardner be the court ordered PAS monitor. Alimony will be determined based on the amount of time the Plaintiff got with the child during automatic orders, flexible visitation beyond the stipulation, the mother fostering of a healthy relationship of the child with the father, severity of the PAS.

12. The Defendant has the exact same credentials as the Plaintiff – an MBA in Finance from NYU Stern School of Business. A full time high salary job would be healthy for her as she needs to be preoccupied as she has been diagnosed as having borderline personality disorder.

13.) The greatest care in this case needs to be for the father's job and the child. The defendant is going to have to downsize drastically and the Court is going to have to budget her as she has also been diagnosed as having narcissistic personality disorder.

14) At this point damage control needs to take place. The modification should be strictly based on current factual information.

! 5

ORAL ARGUMENT REQUESTED

TESTIMONY REQUIRED

The Plaintiff

David R. Smith

Prose

230 East 52nd Street, Apt. 4C

New York, New York 10022 (212) 688-2010

ORDER

The foregoing Motion having been heard, it is hereby GRANTED/DENIED
THE COURT

By _____

CERTIFICATION

This is to certify that a copy hereof has been mailed, postage paid, to all counsel and parties of record this 7th day of March, 2002, as follows:

Deborah Grover, Esquire

42 Main Street

Danbury, CT 06810

Susan J. Poll, Esquire

27 Mill Plain Road

Danbury, CT 06810

! 6

David Smith

ProSe

An email from Mrs. Smith to Mr. Smith Feb 2001

On Monday, February 12, 2001 7:00 AM, dyane walters-smith <riversmom2000@yahoo.com> wrote:

Peace at home or hell in court

the court only deals in facts. here they are:

David Smith arrested twice with two continuances

police/EMS record of incident with Taylor

incident with Scott

ten witnesses to say he is unfit parent, supported by diaries of Taylor Smith stating same facts of same incidents

hospital emergency record of wife's concussion

main source of income from known criminal wanted for tax evasion, indicted by SEC and wanted by bahamian gov't after sec and fleming told to cut ties

willfully hiding assets offshore in violation of automatic orders - contempt of court - punishable by jail time

repeated adulterer during marriage with woman fired for extortion who is currently under investigation by police for criminal harassment and bogus 911 calls

attempted extortion of wife by parents attorney for payment of gift, parents attorneys letters to opotzner and responses filed with court

attorney quit because caught you in your lies

willful nonpayment of garbage man for eight years (emails from Ian telling you to pay him witness)

willful destruction of wife's credit

insance lawsuit against FBS

diaries calling three other people 'violently mentally ill' projection

pattern of women abuse with three other women testifying

Appendix:

Smith Divorce Documents Link:

Appellant Brief:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!11770&authkey=!AF46oJLHsoEsxyA&ithint=file%2cdocx>

Christine Lawson Letter:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12156&authkey=!AACFwibKyY1kdF8&ithint=file%2cpdf>

Colen Report:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12181&authkey=!AMbhddyJta4tvKE&ithint=file%2cpdf>

Father's Day Card:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12166&authkey=!APZssL-bB2J0aY8&ithint=file%2cpdf>

Judicial Review Council Statement of Facts:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!11768&authkey=!AHZowyv7zZRdNW0&ithint=file%2cpdf>

Christine Lawson Letter 1

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12168&authkey=!ANkVDjJ-g94MIBo&v=3&ithint=photo%2cpng>

Mass Mutual 401k destroyed

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12161&authkey=!ALdMuFuSYiTg2Pc&v=3&ithint=photo%2cpng>

The Church Flyer in the Criminal Case

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!12153&authkey=!ANkL3-Dr9GME82s&v=3&ithint=photo%2cpng>

Smith v Smith Decision Memorandum:

<https://onedrive.live.com/redir?resid=4AC3CDFDFBABEEB0!11762&authkey=!AnpxO7Kjn6Zv8zQ&ithint=file%2cpdf>

Dyane's Offshore Accounts Claim

https://1drv.ms/u/s!ArDug_v9zcNKgP5bwZTe_61YC_-BnA

David Smith Withholding Calculations

BLB Outside Counsel's Calculations

https://1drv.ms/i/s!ArDug_v9zcNKgP8SHjhCUDrU7hCsjQ

Link to First Appeal to Appellant Court

https://1drv.ms/b/s!ArDug_v9zcNKgZE_CSwT-zeON7nn6g

Link to motion for stay of execution

https://1drv.ms/b/s!ArDug_v9zcNKgZE-TMuXNoFtgzIYBQ

Link to motion for modification of alimony Mar 2002

https://1drv.ms/b/s!ArDug_v9zcNKgZFAAQBweT6MBz3TKQ

My Shortcomings list faxed to BLB: trouble starting in 1995: twenty years of
chaos:

https://1drv.ms/i/s!ArDug_v9zcNKgZIMgi6rJ93X_46gOQ

Press Headlines that could be used describing the case:

Before fake news there was fake cases.

The complaint has been made that there have not been enough incarcerations for Wall Street securities manipulators while in the most narcissistic state and county Fairfield County Connecticut, the courts have been incarcerating for not doing securities manipulation or Wall Streeters who do not earn enough bonus.

Famous Quotes from the Broadway Play Medea in Connecticut

Medea in Connecticut is a Modern version of the Euripides play that includes BMWs, AUDIs, trips to India, to the Cayman Islands, Hedge Fund attorneys, The stock market, the internet, jewelry from Sakhs, and many other modern things.

Medea: All my Own, Mine, Mine only Mine²⁰⁴

Medea say to Jason: Get emergency counselling for your narcissistic borderline personality disorder²⁰⁵

Medea says about Jason's investor: Jack pays you Squat²⁰⁶

Jack says " his income probably fell off a cliff"²⁰⁷

Medea to Jason: "I am going to drive my car off a cliff and left the children home alone you better come get them"²⁰⁸

Medea and her attorney: "I think he makes on average \$354,000 a year"²⁰⁹

²⁰⁴ Medea says about the child she is going to have via CRY sperm bank, and then she will stick Jason with all the costs.

²⁰⁵ An amazing example of projection. Apparently Mrs. Smith knew of her diagnosis but projects it onto the other parties. This is exactly what she needed. This one may have been picked up from her emails.

²⁰⁶ In court she is claiming he made \$1 million a year, but here says his client Jack Francis is paying him squat. I guess she is just biting the hand that feeds her.

²⁰⁷ Jack Francis a Professor of Finance is in a good position to understand markets and arbitrage, he was aware of the fact that the market was falling in 2001 and 2002 and that income from mutual fund timing had "fallen off a cliff".

²⁰⁸ In the so-called Divorce1, or the first divorce attempt of 1999, Mrs. Smith would claim she is going to commit suicide and that Mr. Smith had to rush home because she had left the child at home alone.

²⁰⁹ At the financial trial of September 2001 (the 911 event for the Smiths), she and her attorney Pasquini claimed he made \$354,000 a year on average. First of all why are they counting joint income as just his? An actual look at his average income 1995 (82,000) to 2005 (unemployed) comes to about \$100,000 a year.

Medea says to the policemen said " You fucked up my whole day"²¹⁰

Medea to Jason: "You have no visitation"²¹¹

Medea to Jason: "Sundar wants you to see Rob Colen who can help you control these episodes of rage"²¹²

Medea about her first husband: "He has secreted marital assets"²¹³

Medea about the princess: "She is vindictive"²¹⁴

The first line of Medea and Jason's PostNuptial agreement says: Simplicity²¹⁵

Jason's security lawyer says: "You have to prove a

²¹⁰ Mrs. Smith had a record of being taken to the mental hospital Roosevelt Hospital in New York, in her tumultuous first marriage in her life prior to meeting Mr. Smith. She had a mysterious history of mental illness which she preferred to hide.

²¹¹ She did not follow automatic orders and did not allow Mr. Smith any visitation without court orders.

²¹² This either appeared in an email or was spoken. Sundar was the Indian fellow whom she recruited to help her convince Mr. Smith the end the divorce. When Sundar saw the light that she was crazy, he did not blame me for wanting to divorce her. She later turned on him as she did with anyone who did not support her cause. Rob Colen had said she would of had rageful episodes given her personality disorders. Here she is just projecting it onto Mr. Smith.

²¹³ Mrs. Smith in her first marriage with Rick Ancas had made the claim that he "had secreted marital assets". Apparently history was repeating itself.

²¹⁴ In the play the Princess would have been Jamie Mondale, perhaps but she is just again projecting. Strange how projection works. If understood correctly by a competent psychologist can be used to get at the truth.

²¹⁵ Mrs. Smith had a severe spending problem, she would run up her credit cards and then physically attack Mr. Smith to pay her credit cards, once attacking him in the face with scissors. If Mr. Smith had remained living with Mrs. Smith he would have been blinded probably. If you call the police in Connecticut after this happens they have a dual arrest law, and you just get yourself arrested and can not go to work.

negative"²¹⁶

The child says: "My track record is ruined"²¹⁷

The child says "I'm going to make your life a living hell"²¹⁸

Jason says to the child: "where is that sweet boy I used to know"

The child says: "If you do not make the right choice, then I am going to use the part of my brain that hates"²¹⁹

Medea says to the school principal: "Verboten in our home is swearing, spitting, biting, hitting, pushing, and violence, bad words, killing toys, etc. etc."²²⁰

Medea says to Jason's sister who has a PH.D from Harvard with a 4.0: "you stupid cunt"²²¹

²¹⁶ Adding to Mr. Smith's stress and at the same time as the divorce, there was an SEC investigation of Ian Renert, Mr. Smith had to do a deposition and talk to the SEC in Boston. He had to hire a securities lawyer to prepare to testify. While Mrs. Smith was enjoying all the money made Mr. Smith had all the dirty work and expense of cleaning up the mess. How do you prove that you do not have offshore accounts? That is why the attorney said "you have to prove a negative".

²¹⁷ The child Taylor was expelled from school as a first grader for having a toy gun on the bus. The borderline mother made a big deal out of the whole matter and wanted to hire an attorney and or remove the child from Redding Elementary. This is when the child said to another child "I am going to get a gun and shot you". Given that he was only a first grader it is absurd to say the child's track record is ruined, but apparently that was what he was being feed by the borderline mother. The father refused to spend money on an attorney to fight Mrs. Smith's absurd causes. The child never did go back to the Redding school system though.

²¹⁸ This is mimicking what the mother was probably saying a lot. This phrase appears almost identically in the book "Understanding the Borderline Mother" on page 137, which clearly identifies Mrs. Smith as a "witch borderline" as per the book by Christine Lawson.

²¹⁹ Frighteningly enough this is referring to splitting, where the child's brain emotionally splits in half leading to the risk that the child becomes borderline as a result of the stress of the situation. The Child had also said "I am going to use the side of my brain that hates". Clearly he had to get all this stuff from listening to the mother. The mother used to hurl insults at the father all day long - on numerous occasions Mr. Smith would cost them as if he might be able to show the count to Mrs. Smith, many times the count would reach 500 before he stopped. This is the volume of verbal abuse that was being reached on a day to day basis.

²²⁰ Verboten is a German word for forbidden. This is another illustration of borderline communication. Here Mrs. Smith is describing what actually did go on ironically: that being swearing, spitting (Mrs. Smith spitting on Mr. Smith), and killing toys (Mrs. Smith used to destroy a favorite toy of the child's as punishment).

²²¹ she used foul language a lot. David's sister had a PHD from Harvard with a 4.0 average lifetime. but here Dyane calls her a stupid cunt.

Medea tears apart Jason's closet:
Jason says: "Jesus Christ" !!
Then Medea says "Fuck Darshan"²²²

Jason's father says: "She is dishonest" and "she has a taste for luxuries"²²³

Jason's first wife says about Medea: "You are going to marry that crazy women"²²⁴

Jason's securities attorney says about Medea: "Your biggest risk is your wife"²²⁵

Medea says to the child about the princess: "There she is the ugly bitch"²²⁶

Medea says to Jason: "Everything you do not do as I ask, I will punish the child"²²⁷

Jason says to the child: "Use the part of your brain that loves"
The child says back: "No I need to use the part of my

²²² The actress Joan Crawford is a famous case of a borderline. Her daughter talks about the wire hanger scenes where the closet is torn apart. As retaliation if she did not get what she wanted she would tear apart my clothes in the closet. Sometimes she would throw all my clothes out the window. At times I had difficulty dressing and going to work, so many times I would put my clothes in the car in case I had to first drive to the gym and shower there and get dressed to go to work, if I felt it might be too difficult at home or the door to the bedroom was locked. So I needed clothes out of my closet the night before.

²²³ My father when he met her correctly identified her characteristics in simple terms: she is dishonest and she has a taste for luxuries, as probably her stories were far fetched and she talked of rich items with enthusiasm.

²²⁴ When Maria Danzilo my first wife heard the news that I was going to marry Dyane, she had had some interactions with her enough to know that she was crazy.

²²⁵ When my securities attorney was preparing me for testimony to the SEC and he had seen so many of the crazy emails from Dyane (the emails related to Ian Renert were subpoenaed) he said this.

²²⁶ Jamie Mosedale was a beautiful women she used to date Billy Joel, she used to say that the song "Uptown girl" was about her.

²²⁷ This quote shows both the sadistic nature of Mrs. Smith as well as the severe induction of PAS.

brain that does homework"²²⁸

The psychologist says: "She sees the world as she wishes it to be and not the way it really is"²²⁹

At the end of the play the Father's Day Card says last line:

"You are not the same Dad, you were anymore" ²³⁰

CEO of major bank: "She is volatile"

General Manager of Large foreign Bank "protect yourself"

The child says to Jason: "you lied to that stupid doctor"²³¹

Dyane's Famous Borderline Campaigns of Denigration:

- >
- >
- > She denigrated me to Taylor almost since early childhood and it resulted in severe PAS (Parental Alienation Syndrome). She did it out of fear of an eventual divorce and thought that it would help her to win custody. She did it with no empathy, no remorse and no conscience because she was narcissistic.
- >
- > She denigrated me to the Redding Police and it resulted in her having me arrested so I could not go to work and she was able to steal all the property in Redding.
- >

²²⁸ After the child had said "I will use the side of my brain that hates", the father suggested that he should use the side of his brain that loves, and this was his response.

²²⁹ Rob Colen says this about Mrs. Smith in the psyche eval. She was seeing a world of riches of \$17,000 a month in alimony, while Mr. Smith say a collapsed business under investigation by SEC with legal fees and only his job to hang on to.

²³⁰ Meaning: You once were a Good Dad.

²³¹ Here the child is referring to Robert Colen as a result of the negative psyche eval that Mrs. Smith received.

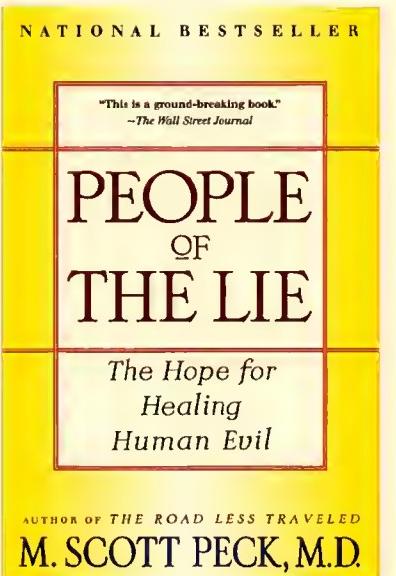
> She denigrated me to the Court saying I had offshore
> accounts, demanded Taylor's passport and portrayed
> me
> as a villain, even though in reality I worked at
> Top
> Bank in NYC. She convinced a Judge I had offshore
> accounts and almost got me incarcerated and got one
> of
> the most undeserved temporary financial support
> order
> ever issued. She wanted money and revenge. She was
> able to get 170% of my base net salary and put up a
> 170 foot wall between Danbury court and Middletown.
>
> She may have denigrated me to the Ridgefield Zoning
> Board, probably saying TradeSmith was a dirty
> business
> having offshore accounts. She was able to get me
> thrown out of my living arrangements in Ridgefield.
> She also created a crisis for Cathy OConnor.
> Taylor
> said about my place "It is not a house it is an
> office" Someone in town said "he sells bad stocks
> to
> people"
>
> She denigrated Jamie Mosedale to her church and was
> arrested and given two years probation.
>
> She denigrated me to Taylor and to Jerry Arndt, a
> folie-a-deux therapist and was able to deny me
> reasonable visitation in April. She then had more
> time with Taylor in order to further denigrate me
> and
> cause more PAS.
>
> She denigrated me using a borderline attorney to the
> lawyers and possibly the Judge (without bilateral
> disclosure) and was able to limit my visitation in
> April.
>
> She denigrated me to Robert Colen and was able to
> get

> some lies put into the Colen psychological
> evaluation.
>
> She denigrated me to the SEC and sent denigrating
> information to them, she almost caused another
> Required testimony but my securities attorney told
> them she was crazy and to ignore her.
>
> She denigrated her former boss Ian Renert possibly
> to
> the SEC and BDO Bahamas. She used Renert related
> scraps of paper to denigrate me in court but she
> never
> bothered to subpoena Renert because she knew it
> would
> be bad for her because everything she said was a
> lie.
>
> She denigrated my family to Taylor and it resulted
> in
> severe grandparent alienation syndrome and my
> parents
> stopped calling Taylor.
>
> She denigrated the City of New York to Taylor saying
> there was too much terrorism there and it was not
> safe
> so Taylor would be afraid to go there with me.
>
> She denigrated my apartment in Ridgefield saying to
> Taylor that there was too much paint and dust there.
>
> Taylor went to Tara Simoneides, the principal at
> school saying he was worried about the paint and
> dust.
>
> She may have denigrated me to the Health Department,
> who then came out to inspect my apartment.
>
> She denigrated me to the DCF, saying I neglected and
> did not feed Taylor. She said in Court with her
> borderline attorney "I think he makes on average
> \$354,000 a year" But to DCF, perhaps I was too poor

> to feed him.
>
> She denigrated Jim Watson and ended up destroying
> the
> company MFE.
>
> She denigrated her first husband saying he had
> "secreted marital assets"
>
> She denigrated the New York Police saying they said
> "
> have a nice time bitch"
>
> She denigrated the Ridgefield Police saying Officer
> Maclaister had said "You fucked up my whole day"
>
> She possibly denigrated Jamie Johnson at her Job at
> Ridgefield BMW possibly causing her to lose her job.
>
> She broke into my email and denigrated me to Tony
> Miscamara, causing me to not get an account.
>
> She denigrated me to the secretaries at AMBAC,
> constantly demanding my attention, and caused a
> request from my boss Laurie Miller to "control my
> wife"
>
> She denigrated Guardian Life Insurance company
> demanding they pay for fertility treatment and sperm
> donors, causing a claim at the bank that she used
> foul
> language.
>
> She denigrated me at work, BLB and my boss said
> "protect yourself"
>
> She denigrated me at court for so long that my next
> boss at work said " anywhere else and your secure
> job
> would be lost" and "have your lawyer tell her
> lawyer
> your secure job is at risk"
>
> She denigrated me at work, BLB by sending bizarre
> faxes to the office.
>
> She denigrated the neighbors, Nancy Mott and fought
> with them constantly
>
> She denigrated the principal at Redding Elementary
> School, Kathleen Kelly and refused to meet with her
> when Taylor said "he was going to take a gun and
> shoot
> a kid" She later just like Joan Crawford, took
> Taylor out of Redding and put him in Ridgefield
> Academy.
>
> She denigrated me to all the traders at BLB, causing
> all of them to think she was crazy.
>
> She denigrated TradeSmith in court and ruined it's
> credibility by saying in court it had offshore
> accounts.
>
> She denigrated me to the therapist Gregory Murphy in
> anticipation of a divorce action as early as 1995.
>
> She denigrated my therapist David Greenfield, saying
> he was a quack and should be reported.
>
> She denigrated the therapist Judith Shapiro, saying
> Taylor had too much homework to do father/son
> therapy.
> She even claimed going to her was contempt.
>
> She denigrated Colen to Taylor saying "Taylor's
> track
> record was now ruined" When in fact Taylor's was not
> and she was projecting herself onto Taylor. She
> also
> had Taylor tell me "you lied to that stupid doctor"
>
> She denigrated my religion saying at first it was
> the
> greatest blessing and then claiming Taylor was made
> to

> sit for three hours and was slapped.
>
> She denigrated me to Taylor kindergarten teacher,
> Jill
> Welcher but it failed and Jill said perhaps just
> myself should come along on the field trip and Dyane
> coming was not necessary.
>
> She denigrated me to Taylor on Father's Day with an
> offensive card which had the head of Medussa or
> Medea
>

A list of Dyane's "Coterie of Supporters"²³²



²³² see page 166, Gardner

Governor John G. Rowland established the Commission on Custody, Divorce, and Children by Executive Order No. 22 on December 5, 2001 to examine ways that the divorce and custody determination process might be improved for children, their parents, and other significant caregivers.

The Governor in his executive order asked the Commission to emphasize five things: 1) how the judicial, family services and other state agencies can work together more effectively; 2) how the state can maximize the collaboration of state agencies and the academic and private communities with expertise in the areas of divorce, custody, and children; 3) the approaches that need to be emphasized and more effectively used as the state interfaces with children of divorce; 4) the major successes and challenges of the family court system from both the national and Connecticut perspectives, and; 5) the perspective of the advocacy community as to what is in the best interests of children of divorce.

The Commission interpreted the Governor's charge to emphasize the effect of parental conflict and the divorce process on children and undertook that as its primary responsibility. The Commission members know from testimony at public hearings and from other information reviewed that there are other concerns important to divorcing families. Among these are concerns about the economic impact of divorce upon parents and children, the enforcement of orders for alimony and support, and the question of economic security. The fact that the Commission does not address these concerns should not be interpreted to mean that it does not believe the issues are important. In fact, the Commission views those issues as vital, but simply beyond the scope of its charge.

The Commission was co-chaired by Mr. Thomas C. Foley and Judge Anne C. Dranginis. They were joined by members Judge C. Ian McLachlan, Judge Herbert Gruendel, Judge Lynda Munro, Marsha Kline-Pruett, Ph.D., Jerry Brodlie, Ph.D., Kenneth Robson, M.D., Stephen Grant, Eugene Falco, Esq., Christine Whitehead, Esq., Sidney Horowitz, Ph.D., Nancy A. Humphreys, Ph.D., Pat D'Angelo, Phyllis Cummings-Texeira, MSW, Robert Tompkins, Jill Davies, Esq., and Rebecca Calabrese, CISW. The members represented mental health providers, both public and private, attorneys, parents, and judges.

The Judges in this case were expected to be working under the following recommendations:

The Executive Order suggested involvement of other interested parties to serve on working groups, including the following or their designees: the Chief State's Attorney, Chief Public Defender, Probate Court Administrator, Commissioners from the Insurance Department, Department of Mental Retardation, Department of Children and Families, Office of the Child Advocate, the Office of Health Care Access, Department of Social Services, and legislators with expertise in the areas of children, divorce, and custody.

Governor's Commission dated DEC 2002

Connecticut Commission Draft 2 DEC 2002

<http://www.opm.state.ct.us/pdpd1/ccdc/draftrec.htm>

DRAFT REPORT OF THE GOVERNOR'S COMMISSION ON CUSTODY, DIVORCE AND CHILDREN
CONNECTICUT

INTRODUCTION

The Commission held eleven (11) full Commission meetings at various locations in Connecticut from January through November 2002. Each meeting lasted from four to eight hours and included presentations and discussions on issues relating to divorce and its impact on children. In addition to the full Commission meetings, there were meetings of various Commission sub-committees. The Commission also conducted four (4) public hearings around the state in April, one each in Norwich, Waterbury, Stamford, and Hartford. A final hearing was held on November 13 after draft recommendations were made public. The public hearings were well attended and the Commission received a large volume of verbal and written testimony, which was insightful and very helpful to the Commission in formulating its recommendations.

The Governor recognized that two out of every five American children experience the consequences of divorce and nearly 14,000 marriages end in divorce in Connecticut each year. Half of all divorces in Connecticut involve children and custody issues. Other cases involve custody determinations in families where parents have never been married. Sixty-nine (69%)

percent of children affected by divorce are under ten years of age. **The process of divorce and parental conflict may last for many months, if not years**, frequently giving inadequate consideration to the best interests of the children, as well as having a long-term detrimental effect on those children. The Governor recognized that a comprehensive approach including research, education, and communication was essential for a complete understanding of the issue, so that an effective strategy could be maintained for addressing these challenges.

THE DIVORCE AND CUSTODY DETERMINATION PROCESS IN CONNECTICUT

The custody determination process delineates for children the roles and responsibilities of their parents or other caregivers after separation and divorce. This process is a legal process based on Connecticut statutory and case law and overseen by the Judicial Branch of the State of Connecticut. The Judicial Branch is supported in this process by a number of institutions, organizations, and individuals who also play important roles. The Commission considered that the divorce and custody determination process involves and depends on the court system, the Family Services Unit of the Judicial Branch of the State of Connecticut, the family bar, and a large group of private service providers including mediators, evaluators, and mental health therapists. Many factors affect the divorce and custody determination process and influence its results. Primary among these factors are Connecticut statutory and case law, the rules of practice, the methods developed and adopted by the Family Services Unit, the skills and experience of all service providers, developing research in the field, and the norms and beliefs of the population at large as well as the beliefs of the professionals in the field.

Connecticut has played a leadership role among states in developing a system that is responsive to the needs of families and has evolved toward a child-focused approach to resolving parenting issues. Connecticut's system has been innovative and continues to evolve in response to the many and continuing challenges that divorcing and separating families present. Even so, the Commission was formed in the belief that an already very effective system can always be improved.

THE HISTORY OF DIVORCE AND CUSTODY IN CONNECTICUT

The history of divorce and child custody in the State of Connecticut follows the development of social norms and law relating to those norms as described in Connecticut statutory and case law, as well as case law from the United States Supreme Court. Divorce was allowed in colonial Connecticut only for specific grounds and was not common. Custody issues primarily were determined as a property issue with children normally remaining with their fathers who retained formal legal power over them.

In the Victorian era, notions of the nurture by mothers, particularly of very young children, led to the "tender years doctrine." Women were then allowed to leave their marriages without leaving their children behind. The legal culture made a shift away from treating children as paternal assets. The well-being of children, and the public interest in the welfare of future citizens, required the law to act on behalf of children's interests when parents claimed primary rights to custody. This led to the "best interests" standard of custody decision making. The courts were required to view each parent's strengths and weaknesses to determine which parent would provide best for the welfare of the child. During the first half of the twentieth century the maternal preference mirrored the gender stereotypes of the division of labor in the middle-class family. Those gender stereotypes were held to be unconstitutional by the United States Supreme Court.

By the middle of the twentieth century, both men and women began to question the roles attributed to each by the culture and by the courts. Increasingly, men believed that they were

being summarily relegated to a subordinate parenting role, while women were recognizing that their role as caregiver generally resulted in financial deprivation after a divorce or separation. Coincidentally, research was being conducted on these issues, and the importance of understanding the emotional and developmental needs of children within the separating family became an issue of scholarship and conflicting views. Opinion ranged from that of Freud, Goldstein, and Solnit who espoused the notion that children needed one attachment figure whose authority had to be primary, to others who believe that the involvement of both parents in a co-parenting arrangement is essential in the growth of the child. Recognizing a trend toward the latter view, the Connecticut legislature adopted in 1981 a joint custody presumption in cases where both parents agree to joint custody and such joint custody is determined to be in the best interests of the child.

During the latter half of the twentieth century, it became apparent that the experience of divorce and the custody determination process was not a positive one for either parent. The Judicial Branch recognized the need for mental health practitioners to be attached to the courts to assist families in understanding their responsibilities to their children and in formulating agreements as to child custody and access. The trend emerging was to encourage **movement away from the "winner take all" mindset of the adversarial system**. To that end, the Judicial Branch began in 1958 using court staff to conduct fact-gathering investigations for the court in contested custody and visitation cases as well as family violence cases. Increased demand for these services by the court resulted in the Family Services Unit of the Judicial Branch evolving into an agency of approximately 115 mental health professionals providing dispute resolution and assessment services to the courts, clients, and attorneys in divorce related and criminal family violence cases.

Today the Family Services Unit offers an array of innovative programs and is considered a model of court connected services by national and international leaders in the field. Highlights include: 1) an emphasis on promoting lasting solutions to parenting conflicts through self-determination; 2) professional assessment of parental capacity and the needs of children and using this assessment as the basis of an agreement and form of alternative dispute resolution; 3) pretrial settlement conferences conducted in court when hearings are scheduled regarding contested custody matters of all types, and; 4) administration of the mandated statewide parent education program.

CHALLENGES FACING THE SYSTEM IN CONNECTICUT

Conflict between parents during and after separation presents a major risk to children. The majority of divorcing and separating parents recognize their personal responsibility to meet the financial, emotional, and developmental needs of their children. These parents, with some assistance from the Family Services Unit, private mediators or therapists, do their best to work out arrangements for the future life of their children within the changed family. They take responsibility for their children.

A small minority of parents engage in persistent **high conflict because of anger**, characterological or mental health problems, or the force of personality, and overuse the system to the **great harm of their children**. The court must help these couples establish parenting plans which are in their children's best interests. The ability of this population to use the constitutional right of access to the courts as a **means for revenge** or punishment against the other parent is an unintended negative consequence of the legal process. They require the court to make parenting decisions in their stead. The court has a responsibility to manage all cases, including these high conflict cases, in ways that pass constitutional muster and protect and respect the best interest of the child, but without rewarding high conflict parents with

inappropriate availability of the court. While the court cannot control the individual personalities that thrive on conflict, there is a duty to seek ways to ameliorate conflict, and to resolve issues as expeditiously as possible. In the end, there are cases that must be adjudicated in the adversarial system.

Another challenge is the growing prevalence of self-represented parties, or **Pro Se's**. Pro Se's attempt to navigate a legal process without the assistance of an attorney. Not only do Pro Se's risk being overwhelmed by the complexity of the legal and factual issues, but they also enter the process without the counseling that lawyers give to clients before, during, and after the divorce and custody determination process. Their sense of confidence in the process is many times adversely affected by their lack of knowledge and help through the process.

Taking these and other factors into account, the Commission identified five broad challenges facing the system which, if addressed, would improve how the process works for children. They are:

Children need the involvement of both of their parents. Too many divorces end-up with an uninvolved or under-involved parent which research shows to produce less favorable outcomes for children. There are families in which one or both parents engage in physical, emotional, or substance abuse and other behavior harmful to children. In cases where these harmful factors are not present, the system should promote and protect children's need for the balanced and meaningful involvement of both parents during and after divorce.

The divorce and custody determination process often **takes too long and costs too much**. Children are particularly vulnerable to harm during the divorce and custody determination process and often suffer afterwards from its economic and emotional costs. Assuring that divorces do not last too long, particularly in high conflict cases, will reduce the length of time children remain in this vulnerable period and should reduce the overall economic and emotional costs of divorce.

The divorce and custody determination process is too stressful for parents and children. Divorce is stressful for parents and for children. Uncertainty and conflict during divorce pose direct and indirect harm to children. Parents can be distracted from and emotionally unavailable for fulfilling their parenting roles. If stress and conflict can be reduced during and after divorce, all parties, but particularly children, will benefit.

Some parents and their advocates abuse the divorce and custody determination process. Some parties abuse the system wasting valuable system resources, prolonging the conflict and cost of divorce, or undermining parenting arrangements. More resources would be available to families who need them if families and/or their representatives who inappropriately over-consume system resources could be discouraged. Children would also benefit if compliance with agreements and court orders was improved and if opportunities for parents to inappropriately prolong their dispute were diminished.

Connecticut's already excellent judicial branch and private sector services require expansion and enhancement in order to continue to protect children and families. Opportunities exist to improve the system, principally in the areas of more education of parents and children about the divorce process, more continuing education and skill development for professionals in the system, and continued enhancement of systems and coordination within the Judicial Branch.

These identified challenges set the framework for the Commission's developing its recommendations. There are other important challenges facing divorcing families that deserve attention, including financial issues and family violence and abuse, but the Commission didn't

view these challenges as within the scope of its charge. However, the Commission feels it is important to state that when family violence and/or abuse are present in a family going through divorce, special considerations and protections are called for, many of which present exceptions to the general recommendations of the Commission. For example, when family violence and/or abuse are present, they warrant an exception to the Commission's recommendation that children need the balanced and meaningful involvement of both parents. Obviously, if the presence of family violence and/or abuse poses direct or indirect harm to a child or if the involvement of a parent poses harm to the other parent, the Commission's recommendation regarding parental involvement would be different.

Generally, as family violence and abuse relate to divorce and custody determination, the Commission believes that children and parents should be able to count on at least the following during and after the divorce and custody determination process:
Identification and accurate assessment of past or current family violence or abuse and any related physical, emotional, or psychological harm.
Court orders, other protections, and interventions that provide for prevention of future harm and healing of past harm.

RECOMMENDATIONS

The recommendations of the Commission are presented here as they relate to the five major challenges set forth above that the Commission seeks to address:

CHALLENGE #1: CHILDREN NEED THE INVOLVEMENT OF BOTH OF THEIR PARENTS.

the commission believes that childREN NEED AND HAVE A RIGHT To Balanced, responsible, and meaningful rELATIONSHIPS with both parents that meet the needs of the child DURING AND AFTER the divorce AND CUSTODY DETERMINATION PROCESS. TOWARD THIS END THE COMMISSION RECOMMENDS THE FOLLOWING:

Amend the statutes to supplement custody and visitation provisions with language requiring parenting plans and parental responsibility. Articulate in this statutory change the important role and responsibilities of both parents in the lives of their children during and after the divorce and custody determination process, so that the balanced and meaningful involvement of each parent is both promoted and protected.

Require parties to submit a Parenting Plan to the court within 90 days of the filing of a divorce or custody action which will encourage mutual involvement, discourage power imbalance between the parties, and promote the court's stated philosophy that each family has the autonomy to construct a customized parental responsibility plan that matches the needs of their family. The Plan should include a minimum of the following:

A parenting schedule
A plan for making decisions regarding the child's health, education, and upbringing, including an alternate dispute resolution mechanism
Remedies if a parent fails to comply with the plan or carry out agreed to parental responsibilities

Adopt statutory criteria for the factors that should be considered in determining the best interest of the child.

Legal Abuse Syndrome 2 DEC 2002

Karin Huffer

The book, Legal Abuse Syndrome written by Karin Huffer is the result of her experiences for over twenty years as a marriage and family counselor in private practice. What is unique about this book is that it addresses the victims of legal abuse from a psychological therapeutic perspective. The objective is to move the victim beyond their predicament into positive action and thinking. Ms. Huffer illustrates the abuses with the cases of seven victims of Legal Abuse Syndrome, detailing their pain and suffering and the various stages of the therapy they have undergone for recovery of their emotional health.

Ms. Huffer found that many victims of the legal system suffer from Post Traumatic Stress Disorder. She identified this as Legal Abuse Syndrome, brought on by the abusive and protracted litigation, prevalent in our courts. According to Ms. Huffer you may be suffering from Legal Abuse Syndrome if you feel deeply disillusioned and oppressed as a result of your experience with the legal system; if you feel you were frustrated in obtaining justice; if you feel your dreams and plans for your life were torn from you by a system that is supposedly there to protect your rights and property; if you fear that the system will defeat you at every turn and there is nothing you can do about it, and if you feel that you have been victimized several times over, by the perpetrators, by lawyers, judges, bailiffs and other court personnel. As a consequence you may suffer from tension and anxiety, recurring nightmares you may feel emotionally and physically exhausted, numb, disconnected and vulnerable.

A central point of Ms. Huffer's book is that the victims in America are not only assaulted by crime, but also by the abuses of power and authority administered by tax dollars intended to provide due process of law for the protection of civil rights. Ms. Huffer observes that not only does the justice system move slowly, but delays are used as strategy by attorneys to weaken their opposition economically and emotionally and to provide hefty fees for attorneys. Ms. Huffer notes that when courts fail as a consequence of officially sanctioned wrongdoing it leaves victims and vigilantes in its trail. The rage of these victims accumulates when they are not provided a satisfying place to turn to. She concludes that the enormous betrayals and inefficiencies that make up bureaucratic post-crime experiences are literally attacking the emotional health of the nation. She recommends that the community of American citizens adopt the following:

1. Oppression and abuse of power are injurious to the health of the victims. Domination by abusers of bureaucratic power threatens the very functionality of the public and private sections in our country.
2. Victims are not self interested, narcissistic folks who sit around and wallow in their losses. They are courageous individuals who face their pain and care to right the wrongs. They participate in the collision of evil and good as it is classically intended in order to achieve balance. Denial is popular, but far less responsible.
3. Trust is a social staple that must be protected just as earth and water must be protected to provide for survival. When trust is damaged the community suffers and society as a whole will eventually falter and collapse (Bok). Veterans of crime must exude zero tolerance for lying in courtrooms, lying in political campaigns, lying to cover-up, and deceptions through omission and nonperformance by public officials and public servants.

LEGAL ABUSE SYNDROME, Kerin Huffer M.S., MFT., Fulkort Press
Email - fulkort@aol.com

A new cause of action that is a new bases for lawsuits is being accepted by the courts allowing cases to proceed on claims of "organic brain injury" caused by traumatic stress. An article appeared on this on November 11, 2002 in the National Law Journal.

Bill of Rights - The Really Brief Version

The first ten amendments to the U.S. Constitution are summarized below.

- 1 Freedom of religion, speech, press, assembly, and petition. violated
- 2 Right to keep and bear arms in order to maintain a well regulated militia.
- 3 No quartering of soldiers.
- 4 Freedom from unreasonable searches and seizures.
- 5 Right to due process of law, freedom from self-incrimination, double jeopardy. violated
- 6 Rights of accused persons, e.g., right to a speedy and public trial. violated
- 7 Right of trial by jury in civil cases.
- 8 Freedom from excessive bail, cruel and unusual punishments. violated
- 9 Other rights of the people.
- 10 Powers reserved to the states.

Universal Declaration of Human Rights:

- Article 1 Right to Equality violated
- Article 2 Freedom from Discrimination violated
- Article 3 Right to Life, Liberty, Personal Security violated
- Article 4 Freedom from Slavery
- Article 5 Freedom from Torture and Degrading Treatment violated
- Article 6 Right to Recognition as a Person before the Law violated
- Article 7 Right to Equality before the Law violated
- Article 8 Right to Remedy by Competent Tribunal violated
- Article 9 Freedom from Arbitrary Arrest and Exile violated
- Article 10 Right to Fair Public Hearing violated
- Article 11 Right to be Considered Innocent until Proven Guilty violated
- Article 12 Freedom from Interference with Privacy, Family, Home and Correspondence violated
- Article 13 Right to Free Movement in and out of the Country violated
- Article 14 Right to Asylum in other Countries from Persecution
- Article 15 Right to a Nationality and the Freedom to Change It
- Article 16 Right to Marriage and Family violated
- Article 17 Right to Own Property violated
- Article 18 Freedom of Belief and Religion violated
- Article 19 Freedom of Opinion and Information violated
- Article 20 Right of Peaceful Assembly and Association violated
- Article 21 Right to Participate in Government and in Free Elections
- Article 22 Right to Social Security violated
- Article 23 Right to Desirable Work and to Join Trade Unions violated
- Article 24 Right to Rest and Leisure violated
- Article 25 Right to Adequate Living Standard violated
- Article 26 Right to Education
- Article 27 Right to Participate in the Cultural Life of Community violated
- Article 28 Right to a Social Order that Articulates this Document
- Article 29 Community Duties Essential to Free and Full Development
- Article 30 Freedom from State or Personal Interference in the above Rights violated

Complaint filed with the US Attorney's office

June 17, 2016

United States Department of Justice / Task Force
United States Attorney
District of Connecticut
157 Church Street, 25th Floor
New Haven, Connecticut 06510
(203) 821-3700
E-Mail: USACT.Citizenscomplaint@usdoj.gov
www.justice.gov/usao-ct

When US Attorney Deirdre M. Daly announced the "Formation of Task Force" on Feb 4th, 2015, I decided to submit my case to the Task Force for review. My case is the Connecticut Divorce Case of David R. Smith vs Dyane V. Smith FA 01-0341470 S (July 15, 2003)

The Case is relevant to the US Attorney's office and the Task Force and merits review for the following reasons:

In the case, the State of CT found the Plaintiff, David R. Smith to have offshore accounts. The State also prosecuted the Plaintiff for having **offshore accounts** including incarceration. The State and parties then colluded to cover-up their actions by obstruction of justice. The State required the Plaintiff to "prove a negative" - that he did not have offshore accounts. Now with the Panama Papers and the Organization for Economic Cooperation and Development (OECD) which now says "96 countries have agreed to exchange information",²³³ it should be

easier for the Task Force to determine if in fact the Plaintiff had offshore accounts and likewise malicious prosecution if the Plaintiff did not. **Judge Deborah Kochiss Frankel** said "the whole case hinges on whether he has offshore accounts" and also "if he has offshore accounts she gets the whole house and 401k".

The State also found **mutual fund timing**²³⁴ to be a source of earnings capacity in **conflict with federal securities law**. In 2000, the Plaintiff met with the **SEC** in Boston, describing mutual fund timing to them, three years prior to Elliott Spitzer. The State found the Plaintiff's testimony that he could not earn any income from mutual fund timing to be "not credible". Evidence the Plaintiff presented about securities law was obstructed. Furthermore if the Plaintiff had "offshore accounts" doing mutual fund timing then it is expected that those "offshore account" details be made discoverable to the 98,000,000 mutual fund holders of record in the Eliot Spitzer 2003 mutual fund scandal? The mutual fund scandal class action parties have a federal right to the factual information that the Connecticut court found.

When the Defendant submitted a financial affidavit demanding \$17,000 a month, she was implying that the Plaintiff must pay \$17,000 / 17% or earn about \$100,000 a month, based on 17%. The Plaintiff actually worked at a bank making \$6,000 a month or \$1,500 a week. The Defendant was diagnosed as being **narcissistic and borderline** by the court's own psychologist, Robert Colen. When the court sent a garnishment order to the Plaintiff's place of employment for \$2,500 a week, the bank had to send the order to outside counsel for an opinion because the order was above the Plaintiff's income. The outside counsel decided to limit the order to 60% of the Plaintiff's income according to Federal Law. If we take \$2,500 to be 17% of the plaintiff's income the court was implying **bankers must must earn approximately 600% bonuses or be incarcerated**.

The Smith case is one of the longest and **most destructive**, lasting over a decade with over 350 motions. In response to the Plaintiff's motions for re-argument, modification, stay, and appeal, articulation, the court responded with more destructive behavior and more **obstruction of justice**. One attorney called the case a "polluted" case. One Judge stated that it was the Plaintiff's fault because he did not appeal. The Plaintiff's attorney John Jowdy said "you were

²³³ Hiding Cash has become a crummy business by Ken Brown, WSJ April 7, 2016

²³⁴ see the 2003 mutual fund scandal wikipedia

convicted on no evidence". What were the circumstances that 30 Judges, lawyers could become "willing executioners" based on one psychotic finding? It becomes a case study in mass delusion. The Plaintiff alleges **malicious prosecution, obstruction of justice, ex-parte communications, false conviction, abuse of power, abuse of parental rights, pension fraud, unequal treatment, gender discrimination, religious discrimination, child abuse, fabrication of evidence.** The case had become impossible and there was no number of lawyers or appellate lawyers, amount of money that could have turned around the case.

The Judge Holly Avery-Whetstone in Middletown, at the beginning of the trial declared that "there was only one other case like this one and this one is not like that one" meaning the case was lost before it had even been heard! She was just going to mimic of the Danbury Court. A case like this one is precisely the kind that would **require a "Task Force"** to unravel.

Clearly the financial part of the case was insane, but the case could merit review also just based on the **child custody** portion of the case. The case is a **borderline divorce** where in the court "idealized" the Plaintiff's income while "devaluing" the Plaintiff's parental suitability. The Plaintiff's visitation time with the child was greatly increased after the family psyche eval was completed and the highly negative results for the Defendant. But the Defendant's interference with visitation never ended and she successfully created a diversionary tactic by alleging that he had offshore accounts and a litany of other false allegations. After the Plaintiff appealed the coercive²³⁵ financial orders the court responded punitively to appeal by ordering a bizarre coercive visitation order stating the Plaintiff can only **visit alone** with the child. Visiting alone is technically almost impossible in practice. This is in a case where the child was diagnosed with Parental Alienation Syndrome (PAS). The order effectively destroyed the Plaintiff's relationship with his son. Both an impossible financial order and a impossible visitation order had the effect of making the case impossible to settle and was the driving force lengthening the case.

Not Over

When a case ends in a false conviction, life does not go on as if nothing happened, it stalls, and goes into a standoff. The Plaintiff could not work

²³⁵ An Appellate Attorney stated that coercive orders (designed to see if the Plaintiff had offshore accounts) are considered improper by law.

because of the damage to his reputation and credit. The Plaintiff now is at retirement age and needs to recover his retirement accounts. The IRS needs an explanation that the Plaintiff's retirement funds were wrongfully dissipated and the court had preferred income from an illegal source (offshore accounts and mutual fund timing) over a legal one (bank job) resulting in none at all. The IRS damage has to be cleared with a verified false conviction determination. The court's action was career ending.

In summary:

In **borderline divorce** cases in Connecticut Judges are finding fathers to have **offshore accounts**.

In divorce cases in Connecticut Judges are ordering that fathers **must be alone** with their children on visitation.

Connecticut Judges (2001) two years prior to Elliot Spitzer (2003) found mutual fund timing or **illegal activities to be earnings capacity for the purposes of alimony** calculations or that **Wall Street bankers must earn 600% plus bonuses** for alimony calculations. 600% is mandatory or face incarceration. Connecticut Judges found to be fact -offshore accounts doing mutual fund timing but have failed to share their finding with the 98,000,000 mutual fund holders on record.

In divorce cases in Connecticut, Judges are completely destroying retirement accounts, and leaving all assets to the wives and leaving all of the taxes from early withdrawal of retirement accounts to the men. In the Smith case, the court wiped out a \$1.1M 401k where the man did not get a penny but got all of the taxes consequences from the withdrawal. If you consider it to take a year to save \$10,000 in a 401k that means the court did at least 100 years of damage in this case. This is a risk that everyman considering living in Connecticut must consider before moving to Connecticut.

In Connecticut divorce cases, Judges are finding the offshore accounts used in hedge funds to be attributed to personal property of Connecticut hedge fund managers in divorce, thus **Connecticut is not a safe location for a hedge fund.**

Connecticut is not in fact a no fault divorce state but in fact is writing up long negative decisions that resemble a borderline campaign of denigration.

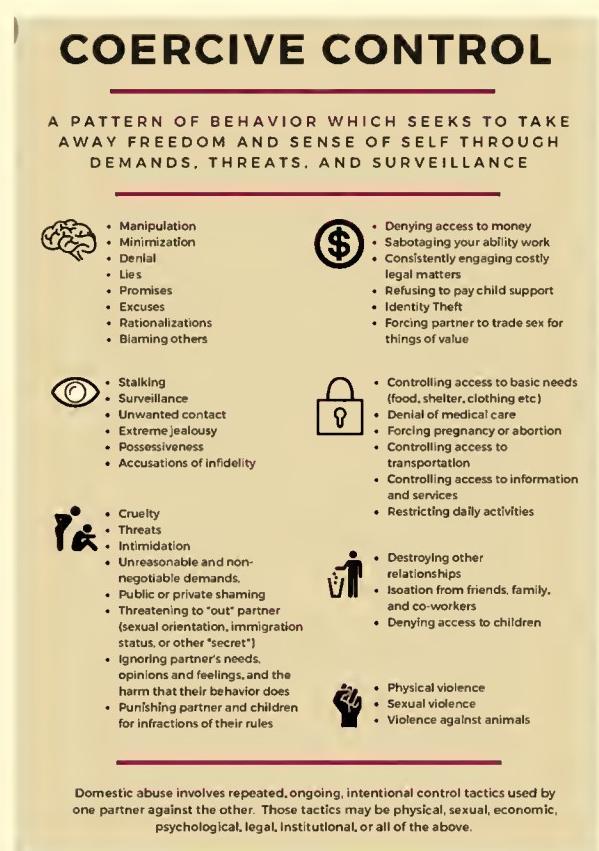
Evidence in the case:

This case is unusual in that the crimes that took place were inside the courthouse and the evidence is the transcripts, and the depositions. The evidence that the Plaintiff had was mostly obstructed but the constant disruptions can be seen in the transcripts. The evidence that the Plaintiff had but was not able to submit encompasses material like that in many standard books on borderline personality disorder.²³⁶

This is only an introduction to the case. The attached appendix has a list of hyperlinks to some of the documents in the case. It is not a complete set as the complete set is massive.

The case requires a Task Force to review. This is a bellwether case for determining if the family court was corrupt.

²³⁶ I hate you don't leave me, Understanding the Borderline Personality by Jerold J. Kreisman, M.D. & Hal Straus, Stop Walking on Eggshells, Taking your Life Back When Someone You Care About Has Borderline Personality Disorder by Paul T. Mason, M.S. and Randi Kreger, Understanding the Borderline Mother Helping Her Children Transcend the Intense, Unpredictable, and Volatile Relationship by Christine Ann Lawson and The Parental Alienation Syndrome by Richard A. Gardner, M.D.



Photos

Jamie Mondale the "ugly bitch"



David Smith on the eve of losing all his money, job, home, child, car, pianos, books, career, credit. View of the world trade center, September 12, 2001 from his low income housing unit on the lower east side.



**parental
alienation is
child abuse**



THE CHILD'S SYMPTOM LEVEL			
	MILD	MODERATE	SEVERE
The Campaign of Denigration (May or may not include a false sex-abuse accusation)	Minimal	Moderate	Formidable
Weak, Frivolous, or Absurd Rationalizations for the Deprecation	Minimal	Moderate	Multiple absurd rationalizations
Lack of Ambivalence	Normal Ambivalence	No ambivalence	No ambivalence
The Independent-Thunker Phenomenon	Usually absent	Present	Present
Reflective Support of the Alienating Parent in the Parental Conflict	Minimal	Present	Present
Absence of Guilt	Normal guilt	Minimal to no guilt	No guilt
Borrowed Scenarios	Minimal	Present	Present
Spread of the Animosity to the Extended Family and Friends of the Alienated Parent	Minimal	Present	Formidable, often fanatic
Transitional Difficulties at the Time of Visitation	Usually Absent	Moderate	Formidable, or visit not possible
Behavior During Visitation	Good	Intermittently antagonistic and provocative	No visit, or destructive and continually provocative behavior throughout visit
Bonding with the Alienator	Strong, healthy	Strong, mildly to moderately pathological	Severely pathological, often paranoid bonding
Bonding with the Alienated Parent Prior to the Alienation	Strong, healthy, or minimally pathological	Strong, healthy, or minimally pathological	Strong, healthy, or minimally pathological

••• Sprint 8:09 PM
borderline personality disorder traits

There are nine main traits to Borderline Personality Disorder and numerous sub traits. The nine main traits are as follows: (Note: You only have to have five of these traits to be diagnosed as BPD)

- 1) frantic efforts to avoid real or imagined abandonment.
- 2) A pattern of unstable and intense interpersonal relationships characterized by alternating between extremes of idolization and devaluation.
- 3) Identity disturbance: markedly and persistently unstable self-image or sense of self.
- 4) Impulsivity in at least two areas that are potentially self-damaging (e.g., spending, sex, substance abuse, reckless driving, binge eating, etc.).
- 5) Recurrent suicidal behavior, gestures, or threats, or self-mutilating behavior.
- 6) Affective instability to a marked reactivity of mood, (e.g., intense episodic dysphoria, irritability, or anxiety usually lasting a few hours and only rarely more than a few days).
- 7) Chronic feelings of emptiness.
- 8) Inappropriate, intense anger or difficulty controlling anger, (e.g., frequent displays of temper, constant anger, recurrent physical fights.).
- 9) Transient, stress-related paranoid ideation or severe dissociative symptoms.

Borderline Personality Disorder - BPD Forum

scott peck people of the lie



"While I generally find that great myths are great precisely because they represent and embody great universal truths, the myth of romantic love is a dreadful lie. Perhaps it is a necessary lie in that it ensures the survival of the falling-in-love experience that traps us into marriage. But as a psychiatrist I weep in my heart almost daily for the ghastly confusion and suffering that this myth fosters. Millions of people waste vast amounts of energy desperately and futilely attempting to make the reality of their lives conform to the unreality of the myth."

~M. SCOTT PECK

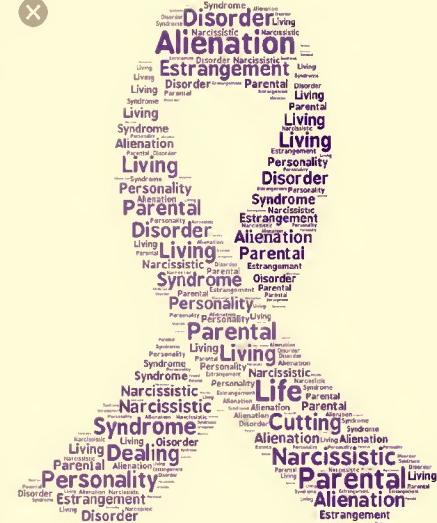
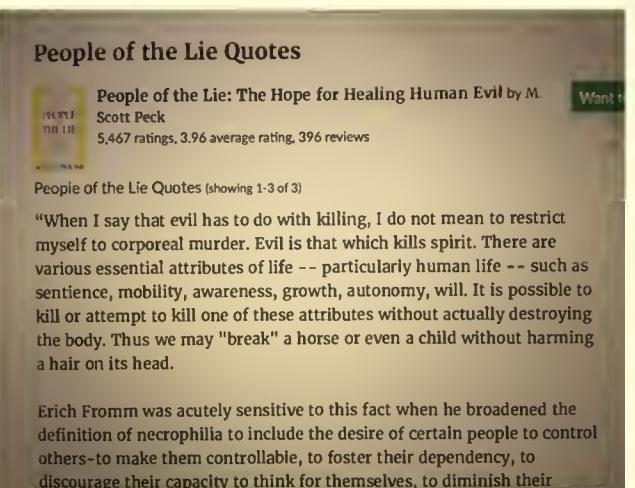
Pinterest

1000+ images about BPD-Borderline Personality Disorder, was ...

1000+ images about BPD-Borderline Personality

**IF THE
WORDS DON'T
ADD UP,
IT'S USUALLY
BECAUSE THE
TRUTH WASN'T
INCLUDED IN
THE EQUATION.**

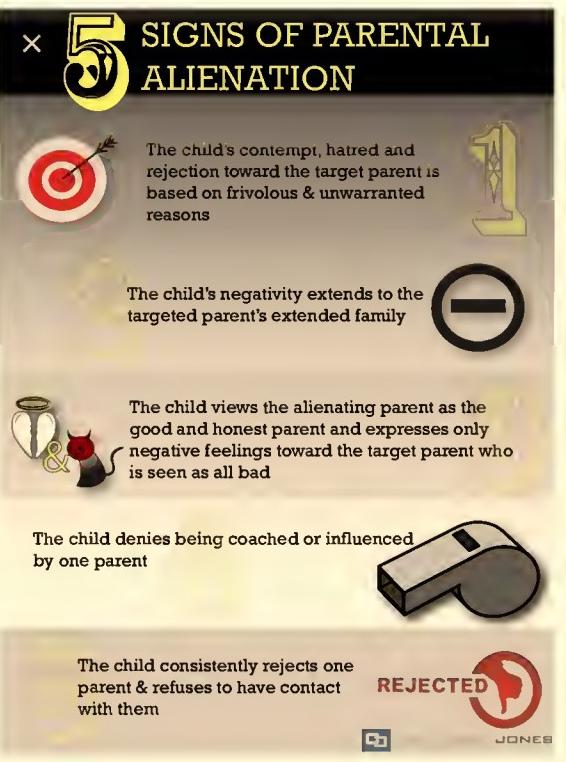
KUSHANDNIZDOM



Characteristics of Narcissistic Mothers

Everything she does is denyable.
She violates your boundaries.
She favoritizes.
She undermines.
She demeans, criticizes and denigrates.
She makes you look crazy.
She's envious.
She's a liar in too many ways to count.
She has to be the center of attention all the time.
She manipulates your emotions in order to feed on your pain.
She's selfish and willful.
She's self-absorbed.
She is insanely defensive and is extremely sensitive to any criticism.
She terrorized.
She's infantile and petty.
She's aggressive and shameless.
She "parentifies."
She's exploitative.
She projects.
She is never wrong about anything.
She seems to have no awareness that other people even have feelings.
She blames.
She destroys your relationships.

The Harpy's Child



The Fisherman and His Wife

Jacob and Wilhelm Grimm

Once upon a time there were a fisherman and his wife who lived together in a filthy shack near the sea. Every day the fisherman went out fishing, and he fished, and he fished. Once he was sitting there fishing and looking into the clear water, and he sat, and he sat. Then his hook went to the bottom, deep down, and when he pulled it out, he had caught a large flounder.

Then the flounder said to him, "Listen, fisherman, I beg you to let me live. I am not an ordinary flounder, but an enchanted prince. How will it help you to kill me? I would not taste good to you. Put me back into the water, and let me swim."

"Well," said the man, "there's no need to say more. I can certainly let a fish swim away who knows how to talk." With that he put it back into the clear water, and the flounder disappeared to the bottom, leaving a long trail of blood behind him.

Then the fisherman got up and went home to his wife in the filthy shack.

"Husband," said the woman, "didn't you catch anything today?"

"No," said the man. "I caught a flounder, but he told me that he was an enchanted prince, so I let him swim away."

"Didn't you ask for anything first?" said the woman.

"No," said the man. "What should I have asked for?"

"Oh," said the woman. "It is terrible living in this shack. It stinks and is filthy. You should have asked for a little cottage for us. Go back and call him. Tell him that we want to have a little cottage. He will surely give it to us."

"Oh," said the man. "Why should I go back there?"

"Look," said the woman, "you did catch him, and then you let him swim away. He will surely do this for us. Go right now."

The man did not want to go, but neither did he want to oppose his wife, so he went back to the sea.

When he arrived there it was no longer clear, but yellow and green. He stood there and said:

Mandje! Mandje! Timpe Te!

Flounder, flounder, in the sea!

My wife, my wife Ilsebill,

Wants not, wants not, what I will

The flounder swam up and said, "What does she want then?"

"Oh," said the man, "I did catch you, and now my wife says that I really should have asked for something. She doesn't want to live in a filthy shack any longer. She would like to have a cottage."

"Go home," said the flounder. "She already has it."

The man went home, and his wife was standing in the door of a cottage, and she said to him, "Come in. See, now isn't this much better?"

There was a little front yard, and a beautiful little parlor, and a bedroom where their bed was standing, and a kitchen, and a dining room. Everything was beautifully furnished and supplied with tin and brass utensils, just as it should be. And outside there was a little yard with chickens and ducks and a garden with vegetables and fruit.

"Look," said the woman. "Isn't this nice?"

"Yes," said the man. "This is quite enough. We can live here very well."

"We will think about that," said the woman.

Then they ate something and went to bed.

Everything went well for a week or two, and then the woman said, "Listen, husband. This cottage is too small. The yard and the garden are too little. The flounder could have given us a larger house. I would like to live in a large stone palace. Go back to the flounder and tell him to give us a palace."

"Oh, wife," said the man, "the cottage is good enough. Why would we want to live in a palace?"

"I know why," said the woman. "Now you just go. The flounder can do that."

"Now, wife, the flounder has just given us the cottage. I don't want to go back so soon. It may make the flounder angry."

"Just go," said the woman. "He can do it, and he won't mind doing it. Just go."

The man's heart was heavy, and he did not want to go. He said to himself, "This is not right," but he went anyway. When he arrived at the sea the water was purple and dark blue and gray and dense, and no longer green and yellow.

He stood there and said:

Mandje! Mandje! Timpe Te!

Flounder, flounder, in the sea!

My wife, my wife Ilsebill,

Wants not, wants not, what I will

"What does she want then?" said the flounder.

"Oh," said the man sadly, "my wife wants to live in a stone palace."

"Go home. She's already standing before the door," said the flounder.

Then the man went his way, thinking he was going home, but when he arrived, standing there was a large stone palace. His wife was standing on the stairway, about to enter.

Taking him by the hand, she said, "Come inside."

He went inside with her. Inside the palace there was a large front hallway with a marble floor. Numerous servants opened up the large doors for them. The walls were all white and covered with beautiful tapestry. In the rooms there were chairs and tables of pure gold. Crystal chandeliers hung from the ceilings. The rooms and chambers all had carpets. Food and the very best wine overloaded the tables until they almost collapsed. Outside the house there was a large courtyard with the very best carriages and stalls for horses and cows. Furthermore there was a magnificent garden with the most beautiful flowers and fine fruit trees and a pleasure forest a good half mile long, with elk and deer and hares and everything that anyone could possibly want.

"Now," said the woman, "isn't this nice?"

"Oh, yes" said the man. "This is quite enough. We can live in this beautiful palace and be satisfied."

"We'll think about it," said the woman. "Let's sleep on it." And with that they went to bed.

The next morning the woman woke up first. It was just daylight, and from her bed she could see the magnificent landscape before her. Her husband was just starting to stir when she poked him in the side with her elbow and said, "Husband, get up and look out the window. Look, couldn't we be king over all this land?"

"Oh, wife," said the man, "why would we want to be king? I don't want to be king."

"Well," said the woman, "even if you don't want to be king, I want to be king."

"Oh, wife," said the man, "why do you want to be king? I don't want to tell him that."

"Why not?" said the woman, "Go there immediately. I must be king."

So the man, saddened because his wife wanted to be king, went back.

"This is not right, not right at all," thought the man. He did not want to go, but he went anyway.

When he arrived at the sea it was dark gray, and the water heaved up from below and had a foul smell. He stood there and said:

Mandje! Mandje! Timpe Te!

Flounder, flounder, in the sea!

My wife, my wife Ilsebill,

Wants not, wants not, what I will

"What does she want then," said the flounder.

"Oh," said the man, "she wants to be king."

"Go home. She is already king," said the flounder.

Then the man went home, and when he arrived there, the palace had become much larger, with a tall tower and magnificent decorations. Sentries stood outside the door, and there were so many soldiers, and drums, and trumpets. When he went inside everything was of pure marble and gold with velvet covers and large golden tassels. Then the doors to the great hall opened up, and there was the entire court. His wife was sitting on a high throne of gold and diamonds. She was wearing a large golden crown, and in her hand was a scepter of pure gold and precious stones. On either side of her there stood a line of maids-in-waiting, each one a head shorter than the other.

"Oh, wife, are you now king?"

"Yes," she said, "now I am king."

He stood and looked at her, and after thus looking at her for a while he said, "Wife, it is very nice that you are king. Now we don't have to wish for anything else."

"No, husband," she said, becoming restless. "Time is on my hands. I cannot stand it any longer. Go to the flounder. I am king, but now I must become emperor."

"Oh, wife" said the man, "Why do you want to become emperor?"

"Husband," she said, "go to the flounder. I want to be emperor."

"Oh, wife," said the man, "he cannot tell the flounder to do that. There is only one emperor in the realm. The flounder cannot make you emperor. He cannot do that."

"What!" said the woman. "I am king, and you are my husband. Are you going? Go there immediately. If he can make me king then he can make me emperor. I want to be and have to be emperor. Go there immediately."

So he had to go. As he went on his way the frightened man thought to himself, "This is not going to end well. To ask to be emperor is shameful. The flounder is going to get tired of this."

With that he arrived at the sea. The water was all black and dense and boiling up from within. A strong wind blew over him that curdled the water. He stood there and said:

Mandje! Mandje! Timpe Te!

Flounder, flounder, in the sea!

My wife, my wife Ilsebill,

Wants not, wants not, what I will

"What does she want then?" said the flounder.

"Oh, flounder," he said, "my wife wants to become emperor."

"Go home," said the flounder. "She is already emperor."

Then the man went home, and when he arrived there, the entire palace was made of polished marble with alabaster statues and golden decoration. Soldiers were marching outside the gate, blowing trumpets and beating tympani and drums. Inside the house, barons and counts and dukes were walking around like servants. They opened the doors for him, which were made of pure gold. He went inside where his wife was sitting on a throne made of one piece of gold a good two miles high, and she was wearing a large golden crown that was three yards high, all set with diamonds and carbuncles. In the one hand she had a scepter, and in the other the imperial orb. Bodyguards were standing in two rows at her sides: each one smaller than the other, beginning with the largest giant and ending with the littlest dwarf, who was no larger than my little finger. Many princes and dukes were standing in front of her. The man went and stood among them and said, "Wife, are you emperor now?"

"Yes," she said, "I am emperor."

He stood and looked at her, and after thus looking at her for a while, he said, "Wife, it is very nice that you are emperor."

"Husband," she said. "Why are you standing there? Now that I am emperor, and I want to become pope."

"Oh, wife!" said the man. "What do you not want? There is only one pope in all Christendom. He cannot make you pope."

"Husband," she said, "I want to become pope. Go there immediately. I must become pope this very day."

"No, wife," he said, "I cannot tell him that. It will come to no good. That is too much. The flounder cannot make you pope."

"Husband, what nonsense!" said the woman. "If he can make me emperor, then he can make me pope as well. Go there immediately. I am emperor, and you are my husband. Are you going?"

Then the frightened man went. He felt sick all over, and his knees and legs were shaking, and the wind was blowing over the land, and clouds flew by as the darkness of evening fell. Leaves blew from the trees, and the water roared and boiled as it crashed onto the shore. In the distance he could see ships, shooting distress signals as they tossed and turned on the waves. There was a little blue in the middle of the sky, but on all sides it had turned red, as in a terrible lightning storm. Full of despair he stood there and said:

Mandje! Mandje! Timpe Te!

Flounder, flounder, in the sea!

My wife, my wife Ilsebill,

Wants not, wants not, what I will

"What does she want then?" said the flounder.

"Oh," said the man, "she wants to become pope."

"Go home," said the flounder. "She is already pope."

Then he went home, and when he arrived there, there was a large church surrounded by nothing but palaces. He forced his way through the crowd. Inside everything was illuminated with thousands and thousands of lights, and his wife was clothed in pure gold and sitting on a much higher throne. She was wearing three large golden crowns. She was surrounded with church-like splendor, and at her sides there were two banks of candles. The largest was as thick and as tall as the largest tower, down to the smallest kitchen candle. And all the emperors and kings were kneeling before her kissing her slipper.

"Wife," said the man, giving her a good look, "are you pope now?"

"Yes," she said, "I am pope."

Then he stood there looking at her, and it was as if he were looking into the bright sun. After he had looked at her for a while he said, "Wife, It is good that you are pope!"

She stood there as stiff as a tree, neither stirring nor moving.

Then he said, "Wife, be satisfied now that you are pope. There is nothing else that you can become."

"I have to think about that," said the woman.

Then they both went to bed, but she was not satisfied. Her desires would not let her sleep. She kept thinking what she wanted to become next.

The man slept well and soundly, for he had run about a lot during the day, but the woman could not sleep at all, but tossed and turned from one side to the other all night long, always thinking about what she could become, but she could not think of anything.

Then the sun was about to rise, and when she saw the early light of dawn she sat up in bed and watched through the window as the sun came up.

"Aha," she thought. "Could not I cause the sun and the moon to rise?"

"Husband," she said, poking him in the ribs with her elbow, "wake up and go back to the flounder. I want to become like God."

The man, who was still mostly asleep, was so startled that he fell out of bed. He thought that he had misunderstood her, so, rubbing his eyes, he said, "Wife, what did you say?"

"Husband," she said, "I cannot stand it when I see the sun and the moon rising, and I cannot cause them to do so. I will not have a single hour of peace until I myself can cause them to rise."

She looked at him so gruesomely that he shuddered.
 "Go there immediately. I want to become like God."
 "Oh, wife," said the man, falling on his knees before her, "the flounder cannot do that. He can make you emperor and pope, but I beg you, be satisfied and remain pope."
 Anger fell over her. Her hair flew wildly about her head. Tearing open her bodice she kicked him with her foot and shouted, "I cannot stand it! I cannot stand it any longer! Go there immediately!"
 He put on his trousers and ran off like a madman.
 Outside such a storm was raging that he could hardly stand on his feet. Houses and trees were blowing over. The mountains were shaking, and boulders were rolling from the cliffs into the sea. The sky was as black as pitch. There was thunder and lightning. In the sea there were great black waves as high as church towers and mountains, all capped with crowns of white foam.

Mandje! Mandje! Timpe Te!
 Flounder, flounder, in the sea!
 My wife, my wife Ilsebill,
 Wants not, wants not, what I will
 "What does she want then?" said the flounder.
 "Oh," he said, "she wants to become like God."
 "Go home. She is sitting in her filthy shack again."
 And they are sitting there even today.

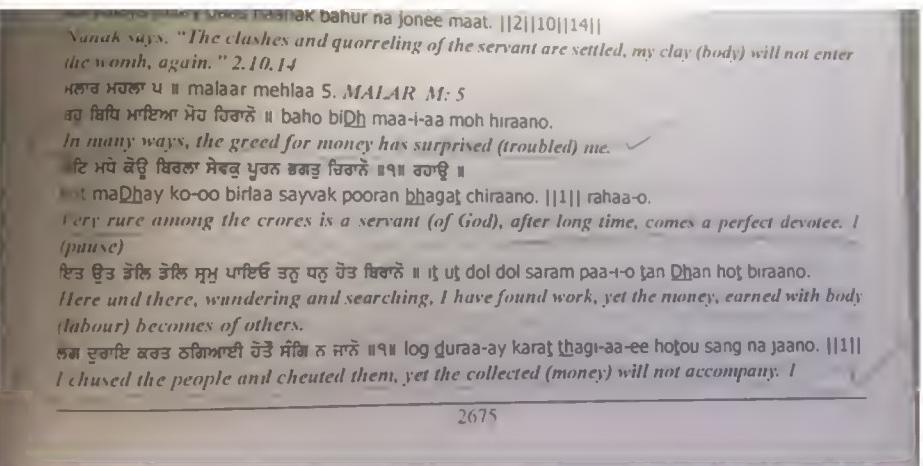
- Source: Jacob and Wilhelm Grimm, *Von dem Fischer un syner Fru, Kinder- und Hausmärchen* (Children's and Household Tales -- Grimms' Fairy Tales), final edition (Berlin, 1857), no. 19.
- The Grimms' source for this tale, recorded in wonderfully simple, but poetic Low German, was the romantic painter Philipp Otto Runge (1777-1810). In 1806 Runge sent a manuscript of this tale to the publisher of Achim von Arnim's and Clemens Brentano's collection of folk poetry *Des Knaben Wunderhorn*. In 1809 the manuscript was made available to the Grimm brothers, and they included the tale in the first edition (and -- with stylistic and dialect variations -- all succeeding editions) of their *Kinder- und Hausmärchen*. A somewhat different version of Runge's manuscript also found its way to Johann Gustav Büsching, who published the tale as no. 58 in his *Volks-Sagen, Märchen und Legenden* (Leipzig: Carl Heinrich Reclam, 1812), pp. 258-266. Büsching's work appeared before the Grimm's collection, which was also published in 1812.
- Aarne-Thompson type 555.
- Translated by [D. L. Ashliman](#). © 2002.
- Translator's notes:

1 The couple's original place of residence, in the Grimms' Low German, is called a *Pissputt*, also spelled *Pispott*. (Büsching was more cautious, using the truncated spelling *P-pot*.) Most translators give this unambiguously earthy word a figurative meaning in English. Thus, one sees "ditch" (Edgar Taylor, 1823); "miserable hovel" (Margaret Hunt, 1884); "hovel" (Lucy Crane, 1886); "miserable little hovel" (Alice Lucas, 1902); "pig-stye" (James Stern, 1944); "chamber pot" (Francis P. Magoun, Jr., and Alexander H. Krappe, 1960); "pigssty" (Ralph Manheim, 1977); and "dirty hovel" (Jack Zipes, 1987). Although tempted to take the low road and follow the original text literally, I have followed instead the more respectable crowd and called a *Pissputt* a "filthy shack."

2 I have left untranslated the formulaic introduction to the fisherman's oft-repeated call to the fish, "Mandje! Mandje! Timpe Te!" From other sources it is evident that *Mandje* is a dialect word for "Little Man," as in High German *M'nchen*. "Timpe Te" appears to be the fisherman's name -- elsewhere he is called "Domine" or "Dudeldee." Thus the verse, as recorded by Philipp Otto Runge and immortalized by the Grimm brothers, appears to be a corruption of a more logical

version (not unusual in folklore). Logically the fish, not the fisherman, would call out the salutation, "Mandje! Mandje! Timpe Te!"





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Granth, page 1269

**IF YOU SUPPORT A PARENT IN
ALIENATING A CHILD OR
CHILDREN FROM THEIR OTHER
PARENT OR FUND THEIR LAWYER
FEES, IF YOU SIT BY AND TELL
THEM THEY ARE "RIGHT" FOR
KEEPING THEIR CHILD FROM
THEIR OTHER PARENT, YOU TOO
ARE COMMITTING CHILD ABUSE.**

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